

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1837 OF 2018
IN
FIRST APPEAL (ST.) NO. 32001 OF 2017**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Siddharth Idnani i/b Avinash Gokhale for the Applicant.
None for the Respondents.

**CORAM: K.K.TATED, J.
DATED : SEPTEMBER 24, 2019**

PC.

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, the Applicant/Original Claimant is seeking condonation of 1 year and 185 days delay in filing the First Appeal challenging the Judgment and award dated 3rd December, 2015 passed by the Motor Accident Claims Tribunal, Thane in Motor Accident Claim Petition No. 499 of 2012 for additional compensation.

3. The Learned Counsel for the Applicant submits that, the Applicant was not aware

about the legal formalities. Hence, it remained on his part to file the present First Appeal within the time. In support of this contention, the Advocate for the Applicant relies on para. 4 and 5 of the Civil Application which reads thus:

“4. The Applicant being a layman is not aware about the nuances of the legal procedure. Further due to lack of technical knowledge of insurance, daily survival, etc. have delayed the preferring of Appeal. The Applicant states that after receiving the amount, the Applicant consulted his Advocate and expressed that the award amount being very less he is willing to file appeal for enhancement of amount.

5. The Applicant states that even after obtaining Certified Copy the Applicant was in search of confident adviser at High Court level. The Applicants’ Advocate informed the Applicant about the legal fees including the Court fees that will be required to file the First Appeal. The Applicant was in a process to arrange for the fees and Court fees of the same. Applicant could not manage the legal fees and necessary expenses. Further an increasing inflation is an added peril to continue with litigation. There is delay of 550 days. It may kindly be condoned in the interest of justice.”

He submits that, in the interest of justice, this Hon’ble Court be pleased to condone the delay in filing the First Appeal. He submits that if the delay is not condoned, irreparable loss will cause the Applicant.

4. It is to be noted that, in the present proceeding, in the accident which occurred

on 24/04/2012, the Applicant sustained severe injuries. Hence, he filed application under Section 166 of the Motor Vehicles Act claiming the compensation of 5,00,000/-. The Tribunal after considering the evidence on record, held that the Claimant is entitled to sum of Rs. 2,39,467/- by way of compensation with interest @ 8% p.a.

5. In the present proceeding, the Applicant applied for certified copies of impugned Judgment and award on 08/12/2015 and the same was collected by him on 17/02/2016. Thereafter, he filed the present First Appeal before this Court on 15/11/2017. There is no explanation in the entire Civil Application why the delay is more than 1 and half year in filing the First Appeal. The reason given the by the Applicant in para. 4 and 5 of the Civil Application do not shows the sufficient cause for condonation of inadvertent delay. Hence, there is no substance in the present Civil Application. Hence, the following order:

a. Civil Application is rejected.

(K.K.TATED, J.)