

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1862/2016
with
First Appeal (ST) No.33279/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr. D. S. Joshi for the Applicant
Ms. Poonam Mital for Respondent No.2.

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 25, 2019

P.C.

1 Heard. This Application is for condonation of 5 years and 294 days delay in preferring the appeal challenging the judgment and award dated 24.09.2009 passed by the Commissioner for Workmen's Compensation in Application (WCA) No.398/B-71/2005 rejecting their Application for compensation.

2 The learned counsel for the Applicant submits that initially, the Applicant had handed over the papers to Adv. Mandavia for filing the First Appeal, who expired on 18.09.2014. At that time, they learnt that he has failed to file the First Appeal. Hence, the papers were

handed over to the present advocate. In support of his contention, he relies on para 5 of the Civil Application. 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 there was delay on the part of the Applicant to file the First Appeal because earlier they handed over the papers to Adv. Mandavia who expired and thereafter they learnt that the First Appeal was not filed him. He submits that they have good chance of success. He submits that if delay is not condoned, irreparable loss will be caused to the Applicant.

3 It is to be noted that in the present proceeding the impugned judgment and award was passed on 24.09.2009. Though the earlier advocate expired on 18.09.2014, the last date for filing the First Appeal was in December 2009 itself. There is no explanation in the entire Civil Application whether the Applicant had made any enquiry with their earlier advocate on or before 18.09.2014. This itself shows that the present Application has been filed in a very casual manner.

4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in para 5 of the Civil Application, I do not find any substance in the Civil Application.

5 Hence, the Civil Application stands rejected.

6 Registration of the First Appeal stands rejected.

(K.K.TATED, J.)