

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.210 OF 2015
IN
FIRST APPEAL (ST) NO. 34629 OF 2014
WITH
CIVIL APPLICATION NO. 211 OF 2015

National Insurance Company Limited .. Applicant

Versus

Smt. Nanda Sambhaji Kunjir
and Ors. .. Respondents

...

Ms. Poonam Mital i/b. KMC Legal Venture for the Applicant.

CORAM: BHARATI DANGRE, J.

DATED : 30th AUGUST, 2019.

P.C:-

1. Civil Application No. 210/2015 seeks condonation of delay of 16 days in instituting the First Appeal against the judgment delivered by the M.A.C.T. Pune in M.A.C Claim No. 1/2008.

2. I have heard the learned counsel for the applicant, who has invited my attention to the contents of the said application, by which the delay is sought to be condoned.

Sonali Patil

3. I have perused the application, which proceeds to state the reason that legal opinion was sought on the judgment and award before instituting the First Appeal and this has occasioned the delay. It is no doubt true that the applicant is Statutory Authority. However, the delay cannot be condoned just for the sake of asking, since The Limitation Act, 1963 governs the period of limitation in instituting the appeals/applications and condonation of delay is permissible, if same are not filed within stipulated period by way of an exception and only in terms of the Section 5 of the Limitation Act, where sufficient cause is shown, the delay is permitted to be condoned. However, at the same time since the applicant is Statutory Authority, it is understood that it has to pass through several hierarchy of Officers and Departments and therefore, equity and justice demand that some lenient view is taken while responding to the such applications of Statutory Authority.

4. For the aforesaid reasons, I am inclined to condone the delay by allowing the Civil Application. Accordingly, Civil Application No. 210/2015 is allowed. Registry is directed to register the First Appeal and notice be issued to the respondent, returnable after 3 weeks.

SMT. BHARATI DANGRE, J