

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

**CIVIL APPLICATION NO.2389 OF 2017
WITH
FIRST APPEAL (ST.) NO.35840 OF 2016**

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.Anil S. Kadam for the applicant

**CORAM : K. K. TATED, J
DATE : MARCH 27, 2019**

P.C.:

. Heard.

2 By this Civil Application Applicant original Claimant is seeking condonation of 1767 days delay in filing First Appeal challenging the judgment and award dated 20.12.2011 passed by 7th Labour Court, Mumbai in Application (WCA) No.618/C-172-10 for additional compensation.

3 7th Labour Court by impugned judgment

and award dated 20.12.2011 awarded sum of Rs.4,89,240/- along with interest @ 12% p.a. to the Applicant.

4 The learned counsel for the Applicant submits that because of accident, Applicant suffered amputation of his leg. He further submits that after the accident, his wife also left for ever. He submits that he has to maintain three daughters. Therefore, there is a delay in filing the present First Appeal. In support of this contention, the learned counsel for the Applicant relies on paragraph 8 of the Civil Application which reads thus:

"8. That the appellant has suffered amputation of his Leg. His family life is also disturbed since his wife has left him after the accident and therefore he could not approach this Hon'ble Court in time."

5 The learned counsel for the Applicant submits that in the interest of justice this Hon'ble Court be pleased to condone the delay in filing First Appeal. He submits that Applicant has good chance of success in the present First Appeal. He submits that if delay is not condoned, irreparable loss will be caused

to the Applicant.

6 Heard.

7 It is to be noted that in the present proceedings, there is a delay of more than 1767 days in filing First Appeal. The reason given by the Applicant in the present Civil Application for condonation of inordinate delay is that of amputation of leg. That cannot be a ground for condonation of inordinate delay of 1767 days. Therefore, I do not find any substance in the present Civil Application.

8 Hence, Civil Application stands rejected.

9 In view thereof, nothing survives in the First Appeal. Hence, registration of First Appeal stands rejected.

(K.K.TATED, J.)