

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

CIVIL APPLICATION NO.3559 OF 2018
IN
FIRST APPEAL (ST.)NO.12183 OF 2018

Mr. Ashok R. Pasi	..	Applicant/ Appellant.
v/s.		
M/s. Saicare Logistics Pvt. Ltd., & Another	..	Respondents.

Mr. T. J. Mendon, for the Applicant/Appellant.

CORAM: ABHAY AHUJA J.
DATED : 6th MARCH, 2020.

PC:-

Heard learned Counsel for the Applicant/Appellant Shri Mendon.

2 This is an application for condonation of delay of 41 days to file Appeal against the Judgment and Award passed by the Motor Accident Claims Tribunal at Mumbai, dated 12th October, 2017 in Claim Application No.2214 of 2011.

3 The learned Counsel has drawn the attention of this Court to paragraph 4 of the said application which is quoted as under:-

“ 4:- The Petitioner submits that in order to file an appeal in the Hon’ble High Court, the Petitioner has to engage an advocate and has to arrange funds for court fees etc. The Petitioner submits that since the Learned Member has partly

allowed the claim, but the Respondent No.2 did not comply with the same in time, and it could be realized only after the Petitioner has initiated execution proceeding. The Respondent No.2 has deposited the compensation amount awarded in favour of the application somewhere in the month of March'2018 with the office of the Learned Member and the Petitioner could receive the same only in the month of April 2018. The Petitioner has to contact an Advocate who practices in the High Court and instruct him to prepare the appeal papers and to arrange funds for court fees etc. The Petitioner further submits that he is layman do not aware of the legal provisions about the filing of the appeal & realized about the delay when he contacted advocate to file an appeal who practices in the High Court. The Petitioner submits that there is a delay in filing the appeal against the judgment dated 12.10.2017 passed by the Learned Member Motor Accident Claims Tribunal at Mumbai. The Appeal is therefore could be filed only today and as such there is a delay of 41 days in filing the appeal."

4 It is observed from the record that the notice to Respondent No.1 has been dispensed with by the order of this Court passed on 4th February, 2020.

5 Having heard the learned Counsel for the Applicant/Appellant and having perused the explanation given for the delay in filing the Appeal, this Court is satisfied that, there is sufficient cause for condoning the delay. Accordingly, delay of 41 days is condoned.

6 **Civil Application** is disposed of.

7 List the **Appeal** for admission on **20th March, 2020**.

(ABHAY AHUJA,J.)