

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

CIVIL APPLICATION NO.3623 OF 2018
IN
FIRST APPEAL (ST.)NO.12210 OF 2018

Mr. Jagdhari Ramdeo Pasi
& Another

.. Applicants/
Appellants.

v/s.

M/s. Saicare Logistics Pvt. Ltd.,
& Another

.. Respondents.

Mr. T. J. Mendon, for the Applicants/ Appellants.

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

PC:-

Heard learned Counsel Shri Mendon, for the
Applicants/Appellants.

2 This is an application for condonation of delay of 41 days to
file appeal against the Judgment and Award dated 12th October, 2017
passed by the Members of Motor Accident Claims Tribunal, Mumbai in
Claims Application No.2213 of 2011.

3 Shri Mendon draws the attention of this Court to paragraph 4
of the said application to explain the delay. The said paragraph 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 As far as service to Respondent No.1 is concerned, the same has been dispensed with by the order of this Court dated 4th February, 2020.

5 After hearing the learned Counsel for the Applicants/Appellants and after perusing the reasons for the delay in filing the appeal, this Court is satisfied that there is sufficient cause for condonation of 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.)