

Uday S. Jagtap

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

**FIRST APPEAL NO. 1143 OF 2008
ALONG WITH
CIVIL APPLICATION NO. 2965 OF 2008
IN
FIRST APPEAL NO. 1143 OF 2008**

New India Assurance Co. Ltd. .. Appellant

Vs.

Asmita Sudhir Khanvilkar & Ors. .. Respondents

.....

Mr. D.S. Joshi for the appellant
Mr. Uday Mehta i/b Ms. Swati Mehta for the respondents

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 31st MARCH, 2021

P.C.

1. On 17th March, 2021, this appeal was fixed under the caption “Dismissal” on today, as none appeared for the appellant on that date.

2. It is quite painful to note that the widow of the deceased has to wait for justice for 14 long hears after she filed a claim on account of death of her husband in a motor vehicle accident. Compensation has been awarded by the Tribunal on 13th August, 2007. Her son – the second claimant was just 3 years old at the relevant time, who is now said to have attained majority.

3. The New India Assurance Company had challenged the judgment and award passed by the M.A.CT., Mumbai in this Court by way of First Appeal in 2008. The matter thereafter remained unattended.

4. Today, Mr. Joshi, appearing for the appellant seeks one week's time. however, I do not see any justification in again giving time to the appellant as the conduct of the appellant is writ large.

5. I am, therefore, not inclined to give any adjournment to facilitate the appellant to argue the case.

6. For the aforesaid reasons, the appeal is dismissed with costs.

7. In view of the dismissal of the appeal, pending civil application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)