

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAF] NO.2508 OF 2021

IN

FIRST APPEAL ST. NO. 15541 OF 2021

[HDFC Ergo General Insurance Company Limited .vs. Vilas s/o Ramkrushna Tirpude and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.M. Kukday, Advocate for the applicant-appellant.

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CORAM: M.S. SONAK, J.

DATED: DECEMBER 08, 2021.

Heard the learned counsel for the
applicant.

2. This is an application seeking condonation of delay of 676 days in filing an appeal against the interim award dated 19.03.2018, by which the Motor Accident Claims Tribunal, Nagpur (Tribunal) has granted no-fault liability compensation of Rs.25,000/- to the claimant, who sustained considerable injuries in the accident involving the offending vehicle.

3. The record indicates that the claimant has incurred 15% permanent disability as a result of this accident. Since applicant-Insurance Company did not honor the interim award dated 19.03.2008, the claimant was forced to file an execution petition to

recover the said paltry amount of Rs.25,000/-. Even in the execution petition, it appears that the claimant has not been successful in recovering this paltry amount of Rs.25,000/-. Possibly, just before some coercive orders could be made in the execution proceedings, this appeal has been instituted along with the application seeking condonation of delay of 676 days.

4. The applicant admits that the certified copy of the interim award was received by the applicant on 4.4.2018 and the same was even dispatched from the regional office to the head office at Mumbai on 7.4.2018. The applicant thereafter without providing any details whatsoever cites routine reasons that the concerned employee looking after the matter *“left the company and the sight of the matter was lost.”*

5. The rest of the averments speak about how after the notice was received in the execution proceeding on 20.01.2021, some decision was taken to institute an appeal. Thereafter also, for almost 10 months i.e. 24.11.2021, no appeal was filed. The routine explanation about the papers traveling from Nagpur to Mumbai and vice-versa all to avoid payment of Rs.25,000/- to a poor plumber are at all not acceptable. In fact, the reasons set out in the application disclose insensitivity on the part of this Insurance Company to the plight of a plumber who has been awarded a paltry amount of Rs. 25000 against

no-fault liability.

6. No sufficient cause has been shown for the condonation of this inordinate delay of 676 days. Therefore, this application is required to be dismissed with exemplary costs of Rs.25,000/-.

7. The Insurance Company should now pay the claimant awarded amount together with costs of Rs.25,000/- within four weeks from today and report the compliance to the Tribunal.

8. The application is accordingly **dismissed** with costs as aforesaid.

ABHIMANYU
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GULANDE

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[M.S. SONAK, J.]

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