

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.656 OF 2019
IN
STAMP NUMBER MAIN NO.2225 OF 2018 (F)

SHAIKH AHMAD SAB. ... APPLICANT

Versus

SALIM ANSARI AND 2 ORS. ... RESPONDENTS

Mr. Gaurang Panandiker, Advocate for the Applicant.
Mr. James Lopes, Advocate for Respondent No.3.

CORAM: M. S. SONAK, J.

DATE : 15th OCTOBER 2022

P.C. :

1. Heard Mr. G. Panandiker for the applicant/appellant and Mr. James Lopes for the respondent no.3.
2. This is an application seeking condonation of delay of 416 days in instituting an appeal against the award made by the Motor Accident Claims Tribunal (Tribunal). The Tribunal has dismissed the appellant's claim entirely by holding that the appellant failed to prove that accident had occurred due to rash and negligent driving of respondent no.1.

3. Though the respondents have been served, none of them have bothered to file any reply to challenge the various statements detailed in the application seeking condonation of delay. The appellant has explained how he contacted more than one advocates and how despite handing over the papers to them there was no progress on the filing of the appeal. All the efforts made by the appellant have been set out in substantial details in the application.

4. If all the circumstances set out in the affidavit are cumulatively considered then a sufficient cause is certainly made out to condone the delay. In such matters, it is not the length of the delay that matters but the quality of the explanation. Here, the quality of the explanation inspires confidence.

5. Therefore, for all the above reasons, the delay in instituting this appeal is condoned.

6. The civil application is disposed of.

M. S. SONAK, J.

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