

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

**CIVIL APPLICATION NO. 3757 OF 2008
WITH
CIVIL APPLICATION NO. 3758 OF 2008
IN
FIRST APPEAL(ST) NO.16579 OF 2008**

United India Insurance Co. Ltd.

..Appellant/Applicant.

v/s.

Ahmadkhan Sherkhan

..Respondents

Mr. A.B.Gatne for the Appellant/Applicant.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 15th JULY, 2022.**

P.C.

1. By this application, the Applicant has sought to condone the delay of 496 days in filing the appeal under Section 173 of Motor Vehicles Act, challenging judgment dated 28.09.2006 passed by the Claims Tribunal, Alibaug, District Raigad in MACP No. 593 of 1994. By the impugned judgment the Claims Tribunal has awarded compensation of Rs.2,82,100/- to the Respondent No.1, who had sustained permanent disablement in a motor vehicular accident on 29.05.1994.

2. The question for consideration is whether the delay in filing the appeal has been satisfactorily explained. The averments made in the application indicate that though the impugned judgment was passed on

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28.9.2006, the application for certified copy was moved on 7.11.2006. No reasons have been assigned for the delay in applying for certified copy. The application does not state the date on which the certified copy was ready. It is only states that the copy was delivered on 6.12.2006, and the appeal along with delay condonation application was filed on 14.07.2008. The delay from 6.12.2006 to July 2008 is sought to be explained only on the ground of administrative exigencies. It is stated that being a public institution, the decision had to be taken by following prescribed office procedure.

3. The principles regarding condonation of delay are well settled. In ***University of Delhi vs. Union of India and Others (2020) 13 SCC 745*** the Hon'ble Supreme Court after considering the decisions in ***Collector, Land Acquisition, Anant Nag and Anr. Vs. Katiji and Ors. 1987, (2) SCC 107, M/s. Dehri Rohtas Light Railway Company Ltd. vs. District Board, Bhojpur and Ors. (1992) 2 SCC 598*** and ***Post Master General and Ors. vs. Living Media India Limited and Anr. 1992(3) SCC 563***, has held thus:-

“From a consideration of the view taken by this Court through the decisions cited supra the position is clear that, by and large, a liberal approach is to be taken in the matter of condonation of delay. The consideration for condonation of delay would not depend on the status of the party namely

the Government or the public bodies so as to apply a different yardstick but the ultimate consideration should be to render even handed justice to the parties. Even in such case the condonation of long delay should not be automatic since the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. In that background while considering condonation of delay, the routine explanation would not be enough but it should be in the nature of indicating “sufficient cause” to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the Courts based on the fact situation. In the case of Katiji (Supra) the entire conspectus relating to condonation of delay has been kept in focus. However, what cannot also be lost sight is that the consideration therein was in the background of dismissal of the application seeking condonation of delay in a case where there was delay of four days pitted against the consideration that was required to be made on merits regarding the upward revision of compensation amounting to 800 per cent.”

4. Reliance is also placed on the decision of **Majji Sanemma @ Sanyasirao Vs. Reddy Sridevi and Ors. 2022 (2) Mah.L.J. 9** wherein

the Hon'ble Supreme Court has reiterated the principles laid down in the previous decisions that in the absence of reasonable, satisfactory or appropriate explanation, the delay is not to be condoned lightly. The expression 'sufficient cause' cannot be liberally interpreted if negligence, inaction or lack of bonafides is attributed to the party and that the Courts cannot enquire into belated and stale claims on the ground of equity.

5. The explanation given in para 3 of the application indicates inaction and casual approach, which cannot be construed as sufficient cause. Moreover, in the absence of sufficient cause, the delay cannot be condoned only on the ground that the applicant is a public institution. The Applicant having failed to make out sufficient cause, the application is dismissed.

6. Registration of appeal is rejected. Pending applications stand dismissed.

7. Statutory deposit be transferred to the MACT, Alibag.

(ANUJA PRABHUDESSAI, J.)