

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 180 OF 2020
WITH
CIVIL APPLICATION NO. 181 OF 2020
IN
FIRST APPEAL (ST) NO. 23037 OF 2019

Maharashtra State Road Transport Corporation .. Applicant

Versus

Shevanti Suresh Kharpade .. Respondent

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- Mr. Manjeet Lotankar i/by Dhananjay Rananaware, Advocate for the Applicant.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 21, 2022

P.C.:

1. Heard Mr. Lotankar, learned counsel instructed by Mr. Rananaware appearing on behalf of the applicant – MSRTC. Mr. Lotankar submits that the Civil Application seeks condonation of delay of 287 days in filing the First Appeal against the judgment and award dated 22.08.2017 passed by the Motor Accident Claims Tribunal, Palghar, *inter alia*, directing the applicant – Corporation to pay compensation of Rs.3,45,000/- along with interest @ 9% from the date of claim to the respondent. He submits that the reasons for the delay are stated in paragraph Nos.3 and 4 of the application and the same may be considered by the Court.

2. I have perused the contents of paragraph Nos.3 and 4 of the application. As usual the applicant – Corporation has placed the blame on procedural delay and decision making/approval required for filing the present First Appeal. One of the reason mentioned is that the applicant – Corporation had to make arrangement for court fees and it took some time to do the same. This reason deserves rejection at the threshold.

3. In view of the submissions made by the learned counsel, I am of the view the Civil Application can be allowed and delay of 287 days can be condoned subject to the Corporation paying costs of Rs.5,000/- (Rs. Five Thousand only) to the respondent. The applicant shall pay the amount of Rs.5,000/- by Demand Draft to the respondent at her address i.e. R/o. Bhinari-Nagarkas, Post. Gholwad, Taluka - Dahanu, District - Palghar within a period of 3 weeks from today. It is made clear that no further extension shall be granted. The receipt of payment of the Demand Draft to the respondent shall be placed on record and file of the First Appeal within one week thereafter subject to which the application seeking condonation of 287 days delay stands allowed. Civil Application disposed.

4. Subject to the Applicant placing on record proof and acknowledgment of receipt of the Demand Draft of Rs.5,000/- (costs), applicant shall be allowed to number the First Appeal.

5. List the First Appeal on Board on **18 August 2022** for compliance.

[MILIND N. JADHAV, J.]

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