



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

**CIVIL APPLICATION NO. 995 OF 2019
IN
FIRST APPEAL (ST) NO. 2400 OF 2019**

The State of Maharashtra

..Applicant/Appellant.

v/s.

Smt. Suvarna Khandu Ankushrao
& Others.

..Respondents

Mr. A.A.Palkar, AGP for the Appellant/Applicant-State.
Mr. A.B. Tajane for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 8th SEPTEMBER, 2023.**

P.C.

1. Learned Counsel Mr. Tajane waives service on behalf of the respondents.
2. The applicant herein seeks condonation of delay of 2 years and 60 days in challenging the judgment and award dated 26.08.2016 passed by the Claims Tribunal, Solapur in MACP No. 150 of 2013.
3. Heard Mr. Palkar, learned AGP for the applicant and Mr. Tajane, learned Counsel for the respondent. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.
4. The records reveal that the respondent herein had filed a petition

under Section 166 of the Motor Vehicles Act, in view of death of Khandu Ankushrao, husband of the respondent no.1, father of respondent nos.2 and 3 and son of respondent nos.4 and 5 respectively, in a motor vehicular accident on 22.10.2010 involving vehicle owned by the government. The Tribunal has recorded a finding that the accident was caused due to rash and negligent driving by the driver of the Tata Sumo, and has awarded compensation of Rs.16,93,800/- with interest @ 9% per annum from the date of filing of the petition till realization.

5. The said judgment and award dated 26.08.2016 is sought to be challenged after a period of 2 years and 60 days. The only explanation offered by the applicant is that the District Government Pleader had applied for certified copies on 7.2.2018. There is absolutely no explanation for the delay in applying for certified copy. The copy of the certified copy was made available on the same day i.e. 7.12.2018, despite which the appeal was filed on 19.01.2019, except for the fact that the applicant had entered into correspondence with different authorities. No other reasonable and sufficient explanation has been given to explain the delay. Hence, in my considered view, no sufficient cause is made out to condone the delay of 2 years and 60 days in filing this application. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)