

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 30403 OF 2022

IN

FIRST APPEAL (ST) NO. 97947 OF 2020

Adinath Narayan Pise And Ors.

..... Applicants

VERSUS

Sadashiv Namdev Gitte And Anr.

..... Respondents

Mr.Chetan R. Nagare for the Applicants/Appellants.

CORAM: ABHAY AHUJA, J.

DATE : 10th AUGUST, 2023

P.C:-

By this application, the appellant is seeking condonation of delay of 338 days in preferring the appeal against the judgment and award dated 7th October, 2019 passed by the M.A.C.T., Pune in M.A.C.P. NO. 715 of 2015.

2. Mr. Nagare, learned counsel for the applicants draws the attention of this Court to paragraphs 4, 5 and 6 of the interim application in support of his contention to condone the delay. Learned counsel would submit that this is an appeal for enhancement of the compensation and the appellant no.1 is the father of the deceased is

working as a Vice Principal in a school and responsible for all the administration of the school and was very busy with the activities and his services to the school as well the conduct of the board examination and therefore was not able to take leave from his work for visiting the advocate for taking necessary steps for filing the present appeal proceedings.

3. Learned counsel would submit that since the appellant no.1 was himself looking at the motor accident proceedings in the tribunal entirely by himself and thereafter there was the COVID-19 pandemic out break due to which he could not apply for the certified copy in view of the lock-down.

4. Learned counsel would submit that thereafter only on 11th August, 2020, the application for certified copy of the impugned judgment and award could be made and the copy was received on 5th November, 2020. Learned counsel submits that since the appeal period was 90 days from 7th October, 2019, the present appeal has been filed on 4th December, 2020 after receiving the certified copy of the order of 5th November, 2020.

5. Learned counsel would also submit that in view of the order dated 23rd March, 2020 in suo-motu Writ Petition No. 3 of 2020 of the Hon'ble Apex Court which extends the period of limitation till February 2022 as such there would be no delay. However, in view of the explanation given in the application, the delay, if any, be condoned.

6. The respondents though served, are not present/not represented.

7. Having heard learned counsel and having perused the application, this Court is of the view that sufficient case has been made out for condoning the delay of 338 days.

8. Let the delay be condoned. Let the first appeal be registered.

9. Application is accordingly disposed.

[ABHAY AHUJA, J.]