

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

**INTERIM APPLICATION NO.19193 OF 2022
IN
FIRST APPEAL (ST.) NO.24883 OF 2022**

Divisional Controller aharashtra State Road Transport Corporation Limited, Nashik.	... Applicant/Appellant
Vs.	
Mustakin Ahamad Abdul Kadir	... Respondent

Mr.Manjeet Lotankar i/by Mr.D.D.Rananaware, Advocates for the
Applicant/Appellant.
None for the Respondent.

**CORAM : ABHAY AHUJA, J.
DATE : 07 JUNE, 2023.**

P.C. :

1. By this application the interim applicant is seeking condonation of delay of 1 year and 29 days in preferring appeal against judgment and award dated 19th May, 2022 passed by Motor Accident Claims Tribunal, Nashik in Motor Accident Claims Petition No.164 of 2018.

2. Learned counsel for the Appellant/Applicant draws the attention of this court to paragraphs No.3 to 5 of the application in support of his

contention to condone the delay. He submits that the certified copy of the impugned judgment and award dated 19th May, 2022 was received on 7th June, 2022 after an application for certified copy made on 20th May, 2022. Learned counsel also submits that the applicant is a Government Corporation and time was required to obtain the necessary approval from the Head Office which is situated in Mumbai and thereafter, there was an opinion from the Panel Advocate in Nashik that was to be sent to the Central Office at Mumbai and only after the approval of the Central Office, the appeal could be filed. Learned counsel submits that the delay is unintentional. The Applicant is a Government Undertaking dealing with the public money would not be benefited by the delay. He therefore, submits that the delay be condoned and the appeal be allowed to be registered.

3. It is observed from the court record that the notice has been issued and served upon the sole Respondent. However, none appears for the sole Respondent. It is also observed from the earlier order of this court dated 6th April, 2023 that last chance was given to the Respondent to go on with the matter and the matter was stood over to 7th June, 2023. However, despite the same, none appears on behalf of the Respondent.

4. Having heard the learned counsel for the parties and having perused the papers, in view of the above discussion, the delay of 1 year and 29 days is hereby condoned. Let the first appeal be registered.

5. Application stands accordingly disposed of.

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6. List the appeal after removal of the other office objections on 16th June, 2023 for admission.

(ABHAY AHUJA, J.)