

MC(N) 4629/2006  
BEFORE  
THE HON'BLE MR JUSTICE B.P.KATAKEY

Heard Mr SS Sharma, learned senior counsel for the applicant, and Ms Medhi, learned counsel for the respondent No.6. The other respondents are not contesting the proceeding, despite the service of notice.

The applicant, by the present application is seeking condonation of delay of 119 days in preferring the appeal against the award dated 10 March 2006 passed in MAC Case No.239/2000 awarding a compensation of Rs.4 lakh with 9% interest for the death of the predecessor-in-interest of the claimants in a motor accident.

The delay, according to the applicant, has been caused due to the fact that after receipt of the copy of the award the same was sent to their Divisional Office with necessary papers, which in turn advanced the same to the Regional Office to obtain the opinion of the panel advocate, who, in second week of August 2006, had requested it to furnish more papers so as to enable him to furnish the opinion, and on 25 October 2006 the necessary papers were made available to it. It is also the contention of the applicant that on receipt of opinion of learned advocate, the appeal, together with this application has been filed on 30 October 2006.

The averments made in the application have not been controverted by any of the respondents by filing any affidavit-in-opposition. As noticed, except respondent No.6, none has entered appearance, despite service of notice.

Having heard learned counsel for the appearing parties, I am of the view that the applicant was prevented by sufficient cause in not preferring the appeal on time. Hence, the delay of 119 days that occurred in filing the appeal is condoned.

The miscellaneous application stands allowed.