

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT GULBARGA

DATED THIS THE 19TH DAY OF FEBRUARY, 2013

BEFORE

THE HON'BLE MR.JUSTICE H.G.RAMESH

MISCELLANEOUS FIRST APPEAL No. 31583 OF 2012 (MV)

BETWEEN:

THE BAJAJ ALLIANZ
INSURANCE COMPANY LTD.
IV FLOOR, V.A.KALBURGI
MANSON, OPP: MUNICIPAL CORPORATION
LAMINGTON ROAD, HUBLI
THROUGH ITS DIVISIONAL MANAGER
BAJAJ ALLIANZ GENERAL
INSURANCE COMPANY LTD.
VIVEKANAND CORNER, DESAI CROSS
CLUB ROAD, HUBLI-29

... APPELLANT

(BY SRI SANJAY M. JOSHI, ADVOCATE)

AND:

1. USHANNOLLA JAYAMMA
W/O U.BALAPPA
AGE: 45 YEARS, OCC: COOLIE
2. USHANNOLLA BALAPPA
S/O U.KISTANNA
AGE: 47 YEARS, OCC: COOLIE

(BOTH R/O MADANPALLY VILLAGE
OF MAKTHAL MANDAL
MAHABOORNAGAR
NOW AT SAIDAPUR
TQ. & DIST. YADGIR 585 201)

3. M/S. LANCO INFRATECH LTD.
REP. BY G.BHASKAR RAO
AGE: 33 YEARS, OCC: OWNER OF
LORRY NO.AP.28.X 9349
R/O # S.NO.20, MANIKANDA
RAJENRANAGAR,
HYDERABAD. A.P. 500 001

... RESPONDENTS

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF M.V. ACT AGAINST THE JUDGMENT AND AWARD DATED 12.07.2011 PASSED IN MVC NO.166/2010 ON THE FILE OF THE MEMBER ADDL. M.A.C.T AT YADGIR, PARTLY ALLOWING THE CLAIM PETITION AND AWARDED COMPENSATION OF RS.2,92,000/- WITH INTEREST AT 6% P.A.

THIS APPEAL COMING ON FOR ORDERS, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

H.G.RAMESH, J.(Oral):

There is an inordinate delay of more than **ten months** (316 days) in filing the appeal. I have heard the learned counsel appearing for the appellant and perused the affidavit dated 21.01.2013 filed in support of the application for condonation of the delay.

2. The date of the impugned judgment is 12.07.2011. As could be seen from the affidavit, the appellant's counsel applied for certified copy of the impugned

judgment dated.12.7.2011 only on 11.04.2012 i.e., after a lapse of about **nine months**. There is absolutely no explanation for the delay of **nine months** in applying for certified copy of the impugned judgment and Award. The cause shown for the delay is accordingly not acceptable to condone the inordinate delay of more than **ten months** in filing the appeal. I.A.No.1/2013 filed for condonation of the delay in filing the appeal is accordingly dismissed. Consequently, the appeal also stands dismissed. In view of dismissal of the appeal, I.A.No.2/2013 filed for interim stay also stands dismissed.

3. The amount lying in deposit with this court shall be transferred to the concerned Tribunal forthwith.

Appeal dismissed.

**Sd/-
JUDGE**

LG