

(2011) 07 KAR CK 0231

In the Karnataka High Court

Case No : MFA. No. 3071 of 2008 MV Along With IA-I of 2008

Sri Prasad Hegde

APPELLANT

Vs

Sri Krishnappa Moolya and The Oriental Insurance Co. Ltd.

RESPONDENT

Date of Decision : 22-07-2011

Acts Referred:

Citation : (2011) 07 KAR CK 0231

Hon'ble Judges : K. Bhakthavatsala, J

Bench : Single Bench

Advocate : Sandesh Shetty T, for the Appellant; A. Ravishankar, For R2, for the Respondent

Final Decision : Dismissed

Judgement

Hon'ble Dr. Justice K. Bhakthavatsala

1. Heard on IA-I/2008.

2. This is an application-IA-I/2008 filed by the appellant praying to condone the delay of 745 days in filing the appeal The application is annexed with an affidavit of the appellant.

3. in para No. 3 of the affidavit, it is stated that he entrusted the matter to one Giridhar, Advocate, Gandhinagar at Bangalore, but he did not file the appeal. Therefore, the appellant took back the file and entrusted to the present counsel and as a result of which there is 743 days delay [but it is 745 days delay] in filing the appeal. Therefore, he prays for condonation of delay.

4. Learned Counsel appearing for the respondent No. 2/Insurance Company has filed objections vehemently opposing the application. It is submitted that there is no sufficient cause for condoning the inordinate delay of 745 days in filing the appeal and the application may be rejected.

5. The affidavit of the appellant is bald. The appellant has not stated in the affidavit when he entrusted the matter to Mr. Giridhar, Advocate. Further, he has

not stated the date when he took back the file and entrusted the same to the present counsel. The appeal is directed against the Judgment and Award dated 17.11.2005. According to the endorsement made on the certified copy, copy application was made on 19.11.2005 and the certified copy was delivered on 29.11.2005. The appellant has not taken affidavit of Sri Giridhar, Advocate to establish that the matter was entrusted to him and he did not file the appeal. There is no sufficient cause for condoning the inordinate delay of 745 days in filing the appeal. There is no merit in the application.

6. In the result, IA-I/2008 is rejected. Consequently, the appeal is also dismissed as barred by limitation. No costs.