

S.B. Civil Misc. Appeal No.5192/2011

Dated :25.01.2012

HON'BLE MR. JUSTICE MAHESH BHAGWATI

None present.

The matter comes up on an application No.28249 dated 8th September, 2011 filed under Section 5 of the Limitation Act whereby the applicant has implored to condone the delay.

The appeal is found to have been filed after 39 days of the expiry of period of limitation.

The application is allowed for the reasons mentioned therein and the delay of 39 days in filing the appeal is ordered to be condoned.

The Second Application No.30865 dated 13th October, 2011 is found to have been filed under Order 41 Rule 27 of CPC wherein the applicant-claimant has implored to take the Medical Bills, Treatment Papers/Prescription Letters etc. on record.

Having perused the contents of the application, it is revealed that the applicant-claimant suffered 100% permanent disability. The husband of the applicant deserted her and she has been living with her father in his house owing to permanent disability. She is not in a position to speak nor she understands anything. She is unable to sit or stand on her legs. She has lost her control over her body and her treatment still continues and she is required to incur expenses on her medical treatment regularly. Albeit, these documents were not filed before the Tribunal and they could not be filed also for the simple reason that this situation has emerged after the award was passed by the Tribunal. Hence, the application is found to be circumscribed by the conditions specified under Order 41 Rule 27 CPC.

-2-

The application is allowed for the reasons mentioned therein and the documents are ordered to be taken on record.

Both the afore-stated applications stands disposed of accordingly.

List after two weeks.

(MAHESH BHAGWATI), J.

Pcg
item No.7.