

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 197/2024 in[CMAM 152/2017]

Pronounced on 16.12.2025.

Uploaded on 17.12.2025

FATIMA SHAHEEN AND ORS.

...Petitioner/Appellant(s)

Through: Mr. Mohammad Ashraf Malik, Advocate with
Mr. Malik Fahdul Haq, Advocate
Vs.

NATIONAL INSURANCE COMPANY AND ANR.

...Respondent(s)

Through: Mr. Aatir Javed Kawoosa, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

JUDGMENT

16.12.2025

Per Sanjeev Kumar-J (oral):

1. This is an intra-court appeal by the appellants arising out of an order dated 3rd July, 2024, passed by the learned Single Judge of this Court in CM No. 3596/2024, titled "*Fatima Shaheen & Ors Vs. National Insurance Company & Anr.*", whereby the learned Single Judge has dismissed the application with costs of Rs. 10,000/- for abusing the process of Court by filing successive applications time and again without any justifiable cause.
2. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the order passed by the learned Single Judge is perfectly legal and does not call for any interference by us in this appeal.
3. Indisputably, the appeal filed by the appellants herein against the award of the Motor Accident Claims Tribunal was pending consideration before the learned Single Judge since 22nd

December, 2017, which came to be adjourned from time to time due to the non-availability of the counsel for the appellants.

4. On 14th July, 2023, there was no representation on behalf of the appellants, as such, the appeal was dismissed for non-prosecution. The restoration application was moved by the appellants after a delay of 66 days beyond the prescribed period of limitation and was, therefore, accompanied by an application for condonation of delay.
5. Interestingly, the application for condonation of delay in filing the restoration application was also not prosecuted diligently by the appellants and the same came to be dismissed for non-prosecution vide order dated 17th May, 2024.
6. Thereafter, another application seeking restoration of the application for condonation of delay in seeking restoration of the appeal was filed beyond the period of limitation. This was also accompanied by an application for condonation of delay.
7. As is apparent from the reading of the order impugned, the only ground that was projected in support of the application for condonation of delay was that there was a change of counsel and, therefore, the requisite steps could not be taken within time. The Single Judge took note of the conduct of the appellants exhibited by them during the course of all the proceedings including the two restoration applications filed alongwith applications for condonation of delay, came to the conclusion that the appellants were not pursuing the appeal bona fide and, therefore, were not entitled to the indulgence of the Court. It is in these circumstances,

the learned Single Judge dismissed the application and imposed costs of Rs. 10,000/- for abusing the process of the Court.

8. We have gone through the order impugned passed by the learned Single Judge and do not find good grounds for imposition of exemplary costs on the appellants. Though they may have been negligent in prosecuting their appeal and the applications which were filed from time to time, but there is no indication that this was done by them for abusing the process of the Court in any manner. They were indeed negligent and were accordingly given the lesson by not accepting the application for condonation of delay by the learned Single Judge.
9. For all these reasons, we are not inclined to interfere with the impugned order passed by the learned Single Judge except to the extent of the imposition of costs of Rs. 10,000/- upon the appellants. The impugned order is modified only to the extent of setting aside the direction regarding payment of costs of Rs. 10,000/-, whereas the rest of the order is upheld.
10. The appeal is accordingly **disposed of**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

16.12.2025

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