



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

924 CIVIL APPLICATION NO. 200 OF 2024

IN

FA/1249/2012

RUKHMINIBAI NAMDEO SURWASE AND ORS

VERSUS

**UNITED INDIA INSURANCE CO. LTD THR DIVISIONAL MANAGER,
AURANGABAD AND ANR**

...

Advocate for Applicants: Mr. Mahesh P. Kale

Advocate for Respondent No.1 : Mr. S. V. Kulkarni

...

WITH

CIVIL APPLICATION NO. 1335 OF 2024

IN

FA/1249/2012

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 02nd FEBRUARY, 2024

PER COURT:

1. The appeal is filed by the insurance company challenging the Judgment and award dated 23.12.2011, passed by the Member, MACT, Gangakhed in MACP No.8 of 2009 and granted compensation of Rs.3,66,000/- with interest at the rate of 7% per annum. The appeal was admitted by order dated 05.09.2014 and the appellant were directed to file the paper book within a period of one (01) year, failing which the appeal would stands dismissed without reference to this court. Printing dispensed with. Thereafter, the paper book in the matter were not filed and the appeal was dismissed.

2. Thereafter, the decree was prepared by the office. After dismissal of the appeal, the applicants have filed the application for withdrawal of the amount deposited in this court. Thereafter, the Civil Application No. 1335 of 2024 is filed for restoration of the first appeal. There is a delay of 3383 days in filing the application for restoration of the appeal. The application is not even accompanied by a paper book. No further time can be allowed today for filing of the paper book. The delay of 10 years 3 months in filing the application cannot be condoned. It is an extremely large delay and the claimants cannot be made forever to wait for their compensation. The reasons given are not sufficient to condone the delay. In view of the same, Civil Application No.1335 of 2024 for restoration is dismissed.

3. Civil Application No.200 of 2024 is filed for withdrawal of the balance amount deposited in this court is allowed, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The civil application for withdrawal of amount stands disposed of.

[ARUN R. PEDNEKER, J.]