



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 CIVIL APPLICATION NO. 5800 OF 2025
IN X-APLST/12166/2025

MADHURI KALPESH KHONDE AND ORS
VERSUS
THE RELIANCE GENERAL INSURANCE CO LTD AND ORS

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Mr. Madhav M. Bhokarikar, Advocate for Applicants.

Mr. S. S. Patil h/f. Mr. Rohit H. Dahat, Advocate for Respondent No.1.

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CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 30th JUNE, 2025

PC.:-

1. This is an application filed by the Applicants/Appellants under Section 151 of the Code of Civil Procedure and Section 5 of the Limitation Act for recalling order of Registrar (Judicial) refusing registration of cross appeal due to allege non-removal of office objections in E-filing No.EC-HCBM03-03563-2024 and also for condonation of delay in filing the instant restoration application. The Applicants have not mentioned details of any order passed by Registrar (Judicial) by which the registration is refused.

2. Heard Mr. M. M. Bhokarikar, learned Advocate for the Applicants. He submits that he had filed cross appeal in First Appeal No.3560 of 2023 on behalf of Claimants. The cross appeal was filed by Original Claimant through E-filing system and was numbered as E-

filing No.EC-HCBM03-03563-2024 along with application for condonation of delay. He submits that before the matter could be circulated, it was revealed that this matter along with many other matters were shown in the missing matters and, therefore, the matter could not be circulated at the relevant time. He submits that on inquiry with the Registry of this Court, it was informed that due to change in the software, certain matters were shown in the category of missing matters and resultantly, the record of this appeal which was filed by way of E-filing was not traceable and the appeal was not registered. He submits that under these circumstances, the Applicants/Appellants are ready to file on record copy of the appeal memo with necessary documents by uploading the same through E-filing and also by way of physical filing, so that the main cross appeal could be heard and decided on merits. He submits that since the matter was shown in missing matters and the matter was never registered, it is treated as refusal of registration of the matter and, therefore, the order passed by Registrar (Judicial) needs to be recalled. It is submitted that there is a delay of 52 days from the date of disposal of appeal due to alleged non-removal of office objections, as mentioned in the civil application. It is stated that the delay occurred because the Applicants had no knowledge about the change in software or the problems occurred on account of the technical issues. Although, the prayer for condonation of delay mentions the delay of 766 days, it is

with respect to the delay in filing the appeal which will be considered after the matter is registered. However, the instant application is for restoration of the cross appeal only and, therefore, the extent of delay is only 52 days. The question of condonation of delay of 766 days in filing the appeal will be considered when the application for the same which is filed separately will be taken into consideration.

3. Mr. S. S. Patil holding for Mr. Rohit Dahat appears and waives service of notice for Respondent No.1-Reliance General Insurance.

4. In view of the contentions raised by the Applicants about change in software and the technical glitches, by order dated 20th June 2025, the office was directed to submit status report of the said E-filing number. Accordingly, the Report dated 24th June 2025 is received. It is stated in the status report that there was in fact a change in the software and therefore the parties were called upon to remove the office objections in the pending matters so that the matters could be registered and then uploaded in the new software. It is stated that due notice was circulated and sufficient time was granted to the parties. However, in many matters objections were not removed and resultantly, the matters were not migrated to the new CIS Module (3.0). It is stated that in view of these circumstances, the instant

matter was not traced out in new migrated E-filing Module (3.0).

5. It is also informed by the Registry that in the present matter, there is no order passed by Registrar (Judicial) by which the cross-appeal is disposed. However, fact remains that the cross-appeal filed by the Appellants remained unregistered and untraced.

6. Considering the submissions advanced, reasons mentioned in the civil application as stated in paragraph Nos.1 to 3 and 4a and the Report submitted by the Section Officer of First Appeal Branch, the application for restoration needs to be allowed, since the matter appears to have been shown to be dismissed on account of some technical glitches in the system. The delay in filing the instant restoration application is condoned. Applicants are permitted to file the cross appeal by E-filing and additionally by submitting the hard copy, within two weeks. After the same is filed, office is directed to register the cross appeal by granting stamp lodging number and regular registration number as per the Rules.

7. Civil application is disposed of.

(PRAFULLA S. KHUBALKAR, J.)