



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10292 OF 2017
IN FAST/24439/2017

Smt. Nasimbi Abbas Khan
and Others

...Applicants

Versus

The United India Insurance Co. Ltd & Anr

...Respondents

- Mrs. Kirti Deshpande h/f Mr. M. M. Bhokarika, Advocate for the Applicants
- Mr. A. B. Gatne, Advocate for the Respondent No. 1 (VC)

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : NOVEMBER 10, 2025
PRONOUNCED ON: NOVEMBER 12, 2025

ORDER :

1. Instant application is for condonation of delay caused in filing appeal against judgment and order dated 26.12.2007 passed by MACT, Jalgaon in MACP No. 527/2004.

2. Learned Counsel for Applicants submitted that present applicants are heirs of deceased Abbas, who died in road traffic accident on 20.08.2003. That, except present applicant no. 1 herself, rest of the Applicants are children of deceased husband. Because of financial difficulties, she could not question the judgment and order of Hon'ble Tribunal within time. Even time was spent in approaching advocate and

applying for certified copy of judgment. That, there being no other elderly male person to assist, delay has occurred and as said delay is not intentional and so learned Counsel urges the Court to condone the delay.

3. Learned Counsel for Respondent strongly opposes the Application on the ground that delay of 3404 days is enormous. According to him, there is no plausible explanation given except general averments of financial crisis. He pointed out that accident is occurred in the year 2003 and judgment and order of Tribunal is of year 2007 and now Appeal is sought to be challenged after a decade. He further pointed out that delay has to be sufficiently explained, which is not done in the instant case. For above reasons, he opposes the application.

4. After considering above submissions and going through the papers, there seems present application is for condonation of delay caused in filing appeal against judgment and award passed by Learned Tribunal, Jalgaon. The impugned judgment shows that the MACP No. 527/2004 was preferred pertaining to accident occurred on 20.08.2003. Learned Tribunal has awarded compensation vide judgment and order dated 26.12.2007. Present civil application is filed in July, 2017. Apparently, as pointed out by learned Counsel for Respondent, it is after almost a decade also. Therefore, admittedly, delay is huge. Reasons assigned for delay are not convincing as there is nothing in support of said circumstances which impelled applicant

from not approaching this court within stipulated period or immediately thereafter.

5. For above reasons, this Court does not find any plausible reason for condoning delay and therefore, refrain from allowing application. Hence, application stands dismissed.

(ABHAY S. WAGHWASE, J.)