

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16649 OF 2025

M/s. Aziz Wallpaper)
(Represented by its Sole Proprietor,)
Mr. Elyas Aziz Khan))
Shop No.8, Veena Apartment, Sejal Park,)
Near Oshiwara Depot, Link Road,)
Goregaon West, Mumbai, Maharashtra) ... Petitioner

Versus

1. The National Insurance Co. Ltd.)
Unit No.260301, 6th Floor Sterling,)
Cinema Building, 65, Murzban Street,)
Fort Mumbai, Maharashtra.)
2. M/s. G. D. Bangard,)
Valuers & Loss Assessors, 301,)
Dalamal Chambers, 3rd Floor 29,)
New Marine Lines,)
Mumbai-400 020, Maharashtra.) ... Respondents

Mr. Brian Noronha along with Mr. Ishan Gambhir i/b Indialaw LLP,
for the Petitioner.

Mr. Premlal Krishnan along with Mr. Prashant Bothre i/b Mr. S. S.
Dwivedi, for the Respondent No.1

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.

DATE : 15th DECEMBER, 2025.

Order (Per Sandesh D. Patil, J) :

1. The present Writ Petition is filed by the Petitioners being aggrieved by the judgment and order passed by the National Consumer Disputes Redressal Commission (**NCDRC**) thereby dismissing their application for condonation of delay caused in filing the review application.

2. Learned Counsel for the Petitioner states that NCDRC failed to consider that the delay in filing the review application was not deliberate nor intentional but arose due to bonafide reasons mentioned in detail in the application for condonation of delay. He submits that the delay was necessitated by the ongoing exchange of communications between the parties, wherein, the Petitioner in good faith sought to amicably resolve the issue of deciding payment without resorting to litigation. He submits that the delay was neither due to negligence nor malafide intentions, but as a result of Petitioner's genuine attempt to seek compliance with the order through correspondence.

3. We have perused the application of the Petitioner for condonation of delay filed before the NCDRC. In the said application, the only explanation for condonation of delay is mentioned in Paragraph 5 and 6. Paragraph 5 and 6 of the said application for condonation of delay reads as under:

“5. That a delay of 149 days has been caused in the filing of the Review Application owing to the correspondence between the Appellant and Respondent No.1 due to which the Applicant held off filing the Review Application.

6. That in light of the abovementioned facts and circumstances, there has been no deliberate delay in filing of the Review Application. The delay was neither deliberate, nor intentional, but due to misfortune and the correspondence between the Appellant and Respondent No.1 being pursued in a bonfide manner.

4. Rest of the contents of application for condonation of delay are not germane for the purpose of explaining the delay caused in condoning the delay. We have also perused the judgment and order passed by the NCDRC. The learned NCDRC noted that review

application has been filed on 09/08/2024 whereas the order was passed on 25/10/2023. Therefore, there was a huge and inordinate delay of about 9 to 10 months. The NCDRC noted that Interim Application No.12023 of 2024 has been filed for condonation of delay, was casually drafted; that there was no explanation worth the name, explaining the delay in any manner whatsoever; and, the only assertion made for condonation of delay was in the nature of averment in paragraph no.6 (which are quoted above). The learned NCDRC therefore, deemed it fit not to condone the delay.

5. After perusing the application for condonation of delay and after going through the impugned order passed by the NCDRC, we are of the opinion that no case is made out for interfering with the impugned judgment and order passed by the NCDRC.

6. The Petitioners have approached the Court in a casual manner. The days of delay are also incorrectly mentioned. Although it is true, that Courts should be liberal in condoning the delay, it does

not however mean, that the parties should not even explain the delay caused in preferring the proceeding. The lackadaisical approach adopted by the applicant in drafting the application for condonation of delay to file the review application cannot be justified. The impugned judgment and order cannot be termed as perverse or illegal. We therefore, find no reasons to interfere in the said judgment and order passed by the NCDRC.

7. The present Writ Petition therefore, stands dismissed.

8. There shall be no order as to cost.

9. All concerned parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)