



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO.994 OF 2024
IN MISC. CIVIL APPLICATION (STAMP) NO.15532 OF 2024
IN CIVIL APPLICATION (CAF) NO.3755 OF 2023
IN FIRST APPEAL (STAMP) NO.15915 OF 2023

THE ORIENTAL INSURANCE CO. LTD., THROUGH ITS DIVISIONAL
MANAGER, AMRAVATI
VERSUS
ASHA VITTHALRAO BORKAR AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. C.A. Anthony, Advocate for Applicant.
Mr. P.M. Jain, Advocate for Respondent Nos.1 to 3.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATED : 28th NOVEMBER 2025

1. Heard learned Advocate for the applicant.
2. This is an application for condonation of delay in filing the application for restoration of application for condonation of delay in filing statutory appeal.
3. Learned Advocate for the applicant points out that, by order dated 17.04.2024, two separate applications filed by the applicant/insurance company were considered and in one application bearing Civil Application No.736 of 2024, an order was passed allowing the applicant to deposit the amount of Award. However, by the same order, other application bearing Civil Application No.3755 of 2023, which was for condonation of delay in filing first appeal came to be dismissed for want of prosecution.

4. Learned Advocate for the applicant submits that, as a result of dismissal in default of the application for condonation of delay, the first appeal stood dismissed. It is submitted that the appellate insurance company desires to contest the appeal on merits and therefore, the application for condonation of delay in filing first appeal needs to be restored, by condoning the delay. Learned Advocate submits that the delay of 84 days occurred in the process of obtaining necessary approvals and permissions from the applicant for filing the application.

5. Although learned Advocate for respondent Nos.1 to 3 strongly opposed the application for condonation of delay, however, considering the contents of the application and submissions advanced, the delay of 84 days does not appear to be intentional. Therefore, the delay needs to be condoned in the interest of justice. Hence, the application is allowed and the delay of 84 days in filing the application for restoration of application for condonation of delay in filing first appeal is hereby condoned, however, subject to costs of Rs.2,500/- (Rupees Two Thousand Five Hundred Only), to be paid to the High Court Bar Association Library, Nagpur, within a period of four weeks from today.

6. In view of the above, the civil application is disposed of.

MISC. CIVIL APPLICATION (STAMP) NO.15532 OF 2024

7. This is an application for restoration of application for condonation of delay in filing statutory appeal, which is dismissed for want of prosecution by order dated 17.04.2025, passed by this Court in Civil Application No.3755 of 2023.

8. Having regard to the contents of the application and submissions advanced, the application for restoration of application for condonation of delay in filing first appeal needs to be restored.

9. Hence, the civil application is allowed. The order dated 17.04.2025, passed by this Court, in Civil Application No.3755 of 2023, is quashed and set-aside. Office to restore the said application.

10. The miscellaneous civil application is accordingly disposed of.

(PRAFULLA S. KHUBALKAR, J.)

asd