

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

CIVIL APPLICATION (F) NO. 2793 OF 2024

IN

FIRST APPEAL (STAMP) NO. 16113 OF 2024

(Reshma w/o Vivek Kalbande vs. The United India Insurance Co. Ltd. and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. K.P.Mirache, Advocate for applicant/appellant.
Ms.Mrunal Naik, Advocate for respondent No.1.

CORAM : ABHAY J. MANTRI, J.

DATE : AUGUST 12, 2025

- 1) The applicant/appellant has filed this application to condone the delay of 215 days caused in filing the appeal; for which learned counsel for respondent No.1 has strongly objected, as no sufficient cause has been mentioned in the application.
- 2) None appears for respondent No.2, though served.
- 3) Having considered the reasons disclosed in the application, prima facie, I found substance in the submission of learned counsel for respondent No.1 in that regard, however, considering the intent and object of the Act is to render justice to the needy persons suffering in accident, therefore, I am of the view that the delay caused in filing the appeal needs to be condoned. At the same time, it could not be ignored that due to the belated filing of the application, the matter has been prolonged. Similarly, the applicant has received the compensation amount from the respondent No.1.

4) Having considered the same, in my view, the application is allowed as prayed, subject to costs of Rs. 3000/- to be paid to High Court Legal Services Committee, Nagpur within four weeks; failing which the application shall stand rejected without further reference to the Court.

5) It is made clear that in case the appellant is entitled to enhanced compensation, in such circumstances, the applicant shall not be entitled to the interest on the delayed period from the date of the impugned judgment and order till the registration of the appeal.

6) On deposit of the costs within the stipulated time, the appeal will be registered accordingly.

FIRST APPEAL (STAMP) NO. 16113 OF 2024

1) Heard.

2) Issue notice to the respondents, returnable after four weeks.

3) Learned counsel Ms. Mrunal Naik waives service of notice on behalf of respondent No.1.

4) Call for Record and Proceedings.

5) List the matter after receipt of R & P.

(ABHAY J. MANTRI, J.)