



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

CIVIL APPLICATION (O) NO. 711 OF 2025
IN
MISC. CIVIL APPLICATION (STAMP) NO. 14578 OF 2025
IN
FIRST APPEAL NO. 232 OF 2022

(Reliance General Insurance Co. Ltd. vs. Premlata wd/o Mulchand Jibhkate and others)

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

Court's or Judge's order

Mr. D.N.Kukday, Advocate for the applicant/appellant.
Ms.Aditi Timande, Advocate h/f Mr.K.S.Motwani, Advocate for
respondent Nos. 1 to 6.

CORAM : ABHAY J. MANTRI, J.

DATE : JULY 08, 2025

CIVIL APPLICATION (O) NO. 711 OF 2025

- 1) Heard.
- 2) The appellant moved this application to condone the delay caused in filing the application for restoration of the appeal and restoration of the appeal by setting aside the dismissal order dated 01/12/2022, for which learned counsel for the respondent Nos.1 to 6 has strongly objected, as the applicant/appellant fails to show sufficient cause to condone the delay and therefore, urges for rejection of the application.
- 3) On perusal of the record, it appears that in a bunch of petitions, this Court passed a common order dated 01/12/2022 and directed the appellants in all the matters to file a private paper book, if already not filed, within six weeks; failing which the appeal shall stand

dismissed. However, the appellant was not aware of the listing of the said matter on the Board and the passing of the said order on the said date; therefore, the delay has caused. For the first time, the appellant came to know when the respondent Nos.1 to 6 filed a withdrawal application, and therefore, the delay was caused.

4) Today, learned counsel appearing for the applicant/appellant also undertakes to file a private paper book within four weeks.

5) Having considered the fact above, in my view, the reason averred in the application is sufficient. Moreover, it does not appear that the delay was intentional or deliberate, but it was found that the reason assigned is bona fide. Therefore, the application is to be allowed. At the same time, it is to be noted that due to dismissal of the appeal and non-filing of the application in time, the matter has been prolonged, and therefore, some costs need to be imposed on the applicant/appellant.

6) In view of the above, the application is allowed subject to the costs of Rs. 6000/- to be deposited with the Registry of this Court within three weeks. Upon deposit of the same, it shall be paid to respondent Nos.1 to 6 equally, i.e., Rs. 1,000/- each.

7) On deposit of the costs, the appeal be restored to its original position.

CIVIL APPLICATION NO.2100 OF 2025

1) Learned counsel for the applicants/respondent Nos.1 to 6 have filed this application seeking permission to withdraw the remaining balance amount lying in this Court, as the appeal was dismissed for non-compliance of the order dated 01/12/2022, for which learned counsel for appellant has given no objection for withdrawal of amount to the extent of 30% out of the balance amount as per the award of the Tribunal on furnishing usual undertaking by the applicants/respondent Nos.1 to 6.

2) In view of the above, the application is partly allowed, subject to the applicants furnishing an undertaking.

3) The Registrar (J) is directed to transfer 30% amount of the remaining balance amount in the respective bank accounts of the applicants/respondent Nos.1 to 6, as per the award, within four weeks on their furnishing individual usual undertaking and bank account details to the Registry.

FIRST APPEAL NO. 232/2022

1) Heard.

2) It seems that after dismissal of the appeal, the record and proceedings were sent back to the learned Tribunal. Hence, call for Record and Proceedings, if returned to the Tribunal.

3) List the matter in due course.