



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 2808 OF 2026
IN FA/818/2012**

UNITED INDIA INSURANCE CO. LTD.
VERSUS
HIRABAI SAHEBRAO PATIL AND OTHERS

.....
Advocate for Applicant : Mr. Mohit R. Deshmukh
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 16 MARCH 2026

PER COURT :

1. This is an application for restoration of the First Appeal No. 818 of 2012, which was dismissed by virtue of conditional order dated 15.03.2013 for failure to supply the copy within the stipulated time. There is delay of 4688 days caused in filing the present application.

2. Learned counsel for the applicant submits that the appeal came to be dismissed automatically due to non-compliance of the conditional order dated 15.03.2013, as copies were not supplied within four weeks. It is urged that such non-compliance was inadvertent and, consequently, notices were not issued to the respondents.

3. It is further contended that the applicant-Insurance Company remained unaware of the dismissal of the appeal. According to

the applicant, in the year 2019, the original claimants initiated execution proceedings being MACP Darkhast No. 37 of 2019. Though notices were issued therein, the outbreak of COVID-19 pandemic disrupted normal functioning of the Insurance Company. The applicant has also submitted that from 2019 to 2025, no substantial steps were taken in the execution proceedings, and seizure warrants issued on certain occasions were not served. It is only after issuance of seizure warrant dated 19.12.2025 that the applicant made inquiries, whereupon it was revealed that the appeal had already been dismissed in the year 2013 and the record had been destroyed. Learned counsel further submitted that correspondence between offices and tracing of records consumed considerable time, and ultimately the applicant came to know about dismissal through the dealing advocate.

4. Learned counsel for the applicant submits that though there is considerable delay in preferring the present application for restoration, the same is neither intentional nor deliberate. Learned counsel for the applicant undertakes to work out the matter diligently. For all above reasons, he urged to condone the delay of 4688 days, and restore First Appeal No. 818 of 2012 to its original file.

5. Heard. Perused the record. The First Appeal is of the year

2012 and the same was dismissed in the year 2013 for non compliance of the conditional order dated 15.03.2013. There is huge delay in filing the present application for restoration. The delay in the present matter is not of a routine nature but is inordinate and extraordinary, spanning 4688 days, i.e., more than 12 years. The explanation offered by the applicant does not inspire confidence. The appeal was dismissed as far as back in 2013 due to non-compliance of a conditional order. No steps were taken thereafter for several years. The plea of lack of knowledge is difficult to accept from the Insurance Company. Even assuming disruption during the COVID-19 pandemic, the delay from 2013 till 2019 remains wholly unexplained. Further, the period of 2019 till 2025 also reflects continued inaction. The contention regarding destruction of record and non-availability of file cannot come to the aid of the applicant. Hence, the following order is passed :-

ORDER

The Civil Application is rejected.

(ABHAY S. WAGHWASE, J.)