



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2877 OF 2026
IN FA/1559/2012

1. United India Insurance Company Ltd.,
Jalgaon Division No.1, Through its Divisional
Manager, Mansing Market, 2nd Floor, Near
Railway Station, Jalgaon, District Jalgaon.Applicant

Versus

1. Shri Shivdas Tulshiram Patil
Age: 85 years, Occu.: Nil,
2. Venudas Shivdas Patil
Age: 80 years, Occu.: Nil,
3. Smt.Surekha Pandurang Patil
Age: 48 years, Occu.: Household,
4. Jayesh Pandurang Patil
Age: 26 years, Occu.: Education.
5. Mahesh Pandurang Patil
Age: 24 years, Occ.: Education,
6. Chi.Ku.Mamta Pandurang Patil
Age: 21 years, Occu.: Education,
7. Samshe Shayad Ali Sayad
Age: 38 years, Occu.: Jeep Driver,
R/o. At. Post. Vani,
Tq.Dindori, District Nashik.
8. Akbar Abdul Raheman Maniyar
Age: Major, Occu.: Owner of Jeep,
Bearing No.MH-15/K-7203,

R/o. At. Post.Vani, Tq.Dindori,
District Nashik.

....Respondents

(Resp.Nos.1 to 6 – Org. Claimants
Resp.No.7 & 8 – Org. Respdt. Nos.1 & 2)

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Advocate for Applicant : Mr. Mohit R. Deshmukh

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 22 APRIL, 2026

PRONOUNCED ON : 24 APRIL, 2026

ORDER :

1. Instant application is for condonation of delay of 4422 days caused in filing application for restoration of appeal.

2. Learned counsel for applicant submitted that against judgment and award dated 23-12-2011 passed by learned Motor Accident Claims Tribunal (MACT), Dhule in MACP No.1608 of 2005, appeal was filed and matter was also listed on board of the Court on 10-10-2013. That, even notices were issued to the respondents by granting stay to impugned judgment and award subject to deposit of entire amount. It is further submitted that, thereafter matter was appeared on board 06-12-2013, but due to inadvertence, as copies were not supplied, notices could not be issued to the respondents. It is pointed out that, this Court has passed conditional order directing appellants

to supply copies within four weeks. Such timeline could not be met. That, applicant Insurance Company was not aware of the dismissal of present appeal for want of compliance. That, this was followed by onset of Corona. That, even time was spent in taking search of record by the Advocate and after receipt of documents, immediately application for restoration was filed. That, the delay, though huge, is not intentional and hence, delay caused in taking steps for restoration is sought to be condoned.

3. After considering submissions and on going through record, it appears that aggrieved by judgment and award of MACT Dhule in MACP No.1608 of 2005, applicant Insurance Company has filed First Appeal bearing No.1559 of 2012. Record shows that, this Court was pleased to issue notices to respondents by granting stay to the execution of impugned judgment and award i.e. by order dated 10-10-2013. By order dated 06-12-2013, this Court directed that “Bhatta to be paid within a period of four weeks, failing which the matter shall stand dismissed without further reference to this Court” The said order clearly shows that it was a conditional order and there is no compliance of the said order within stipulated timeline. Applicant/Appellant was not diligent in compliance and therefore,

automatically by virtue of conditional order, as steps were not taken, appeal stood dismissed by order dated 06-12-2013.

Civil Application for condonation of delay is preferred in February 2026 i.e. after 12 years. Though reason assigned is about search of record and Corona, it is not convincing reason. Delay is immense and huge and it being not properly explained, it would not be just and proper to condone the delay. Hence, application deserves to be rejected. Accordingly, following order is passed :

ORDER

Civil Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE