

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11242 OF 2025
IN
FIRST APPEAL(ST) NO. 28831 OF 2025**

Nurjahan Hussain @ Bashir Mulani And Ors. ...Applicants

IN THE MATTER BETWEEN

Nurjahan Hussain @ Bashir Mulani And Ors. ...Appellants

VERSUS

United India Assurance Comapny Ltd. And Ors. ...Respondents

.....

Adv. Rahul Patil a/w Adv. Shraddha Patil i/b Adv. Yuvraj Narvankar, for Applicants.

Adv. Nisha D. Joshi, for Respondent No.1.

.....

CORAM : SHAILESH P. BRAHME, J.

DATE : 09th JUNE, 2026.

P.C. :

INTERIM APPLICATION NO. 11242 OF 2025

By this application, the applicants seek condonation of delay of 408 days in preferring the first appeal challenging the Judgment and Award passed by the Tribunal.

2. The delay is sought to be condoned on the ground that the financial condition of the applicants is precarious and they are unable to arrange the funds required to prefer the appeal. It further contended that, on 12.08.2024, one of the sons of the applicant No.1 passed away.

The bereaved family could not make any arrangements to prefer the appeal.

3. The application is contested by respondent No.1- Insurance Company. It is submitted that the no adequate grounds are mentioned. It is not not desirable to condone the delay.

4. I find no reason to infer any *mala fides* in preferring the appeal belatedly. It is not disputed that, on 12.08.2024, one of the sons of the applicant No.1 died. For the reasons stated in the application, it is desirable to condone the delay. Accordingly, the delay stands condoned, subject to the condition that the applicants shall pay cost of Rs. 5,000/- to the respondent No.1-Insurance Company within a period of four weeks.

5. The costs shall be paid by transferring the said amount into the account of respondent No.1-Insurance Company.

6. The learned counsel for the respondent No.1- Insurance company is ready to furnish the account details to the applicants.

FIRST APPEAL(ST) NO. 28831 OF 2025

7. Issue notice to the respondents, returnable on **07.07.2026**.

8. Mrs. Nisha D. Joshi waives notice for respondent No.1.

9. Call for record and proceedings.

[SHAILESH P. BRAHME]