vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT ANANDRAO IDHOL

Digitally signed by VASANT ANANDRAO IDHOL
Date: 2026.08.17 20:22:36 +0530

INTERIM APPLICATION NO.5831 OF 2026
IN
FIRST APPEAL NO.1702 OF 2025
IN
INTERIM APPLICATION NO.13264 OF 2026
WITH
INTERIM APPLICATION NO.13266 OF 2023

The Oriental Insurance Co. Ltd. ...Applicant
V/s.
Swati Sudesh Kadam & Ors. ...Respondents

Mr.Sachin Raje for the Applicant / Appellant. - The Oriental Insurance Co. Ltd.

Ms.Namrata Gawde i/b Ms.Varsha Chavan for Respondent Nos.1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 17TH AUGUST, 2026.

P.C. :-

1. Heard learned counsel for applicant as well as respondents.

2. This is an application for restoration of the First Appeal by condoning delay of 106 days in filing the application for restoration.

3. Learned counsel for applicant submits that the First Appeal was listed before this Court on 16th February, 2026 on which date the counsel was unable to attend the matter since the advocate on record

was not aware about listing of the said matter on that date. He submits that the matter remained unattended and this Court has dismissed the First Appeal by an order dated 16th February, 2026. Thereafter, this application is filed. He states that the delay of 106 days occurred since the earlier counsel who was appearing on behalf of the applicant had got shifted to Kolhapur Circuit Bench and the application for restoration could not be filed within time. He therefore, states that delay is unintentional.

4. It has to be noted that the appeal is not decided on merits. Hence, although the application is opposed by the counsel for respondents, considering the reasons mentioned and submissions advanced, the appeal needs to be restored.

5. In view of the above, for the purpose of enabling the appellant to contest the appeal on merits, it is necessary that the appeal is restored. Hence the application is allowed. Delay of 106 days is condoned. The First Appeal be restored to its original number.

*FIRST APPEAL (ST.) NO.19676 OD 2022*

1. Learned counsel for appellant submits that the appellant has deposited the entire decretal amount along with interest, in accordance with the order dated 14th July, 2025. In view of this

statement, the interim relief granted by an order dated 14th July, 2025 shall continue to operate till further orders.

2. In view of the controversy, call for R & P from the Tribunal.

3. List the appeal for further consideration on 15th September, 2026.

*(PRAFULLA S. KHUBALKAR, J.)*