IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6935 OF 2026

IN

FIRST APPEAL (STAMP) NO. 30915 OF 2025

MSRT Corporation, Mumbai ...Applicant

Versus

Shri Shivaji Bansi Ugale ...Respondent

Adv. Sneha G. Sanap, for the Applicant.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 1ST OCTOBER 2026

P.C:-

1. This is an interim application for restoration of the First Appeal by condoning delay of 176 days in filing the restoration application.

2. Heard learned counsel for applicant.

3. Learned counsel for the applicant submits that the appellant Corporation had filed the First Appeal challenging the Award passed by the Motor Accident Claims Tribunal in which this Court had issued notice by order dated 3rd December 2025. It is submitted that thereafter since the copies were not supplied

for effecting service upon the respondents, the matter was listed before the Registrar (Judicial-II) and on account of failure of the applicant to supply copies, the same was dismissed for failure to prosecute the matter, by order dated 9th February, 2026.

4. Learned counsel for the applicant submits that the applicant/original appellant wants to contest the appeal on merits and therefore they have sought for restoration of the First Appeal.

5. It has to be noted that since the respondents were not even served in the First Appeal, the instant application for restoration is being considered without issuing any notices to the respondents.

6. Learned counsel for the applicant submits that the order of dismissal in default was inadvertently not taken note of and therefore immediate steps were not taken for filing application for restoration. She submits that after the order was noted, necessary steps for filing application for restoration were taken and this has caused the delay of 176 days. She submits that the delay is unintentional.

7. Having regard to the reasons mentioned in the application and submissions advanced and considering the reasons for delay

on the part of the Corporation in seeking necessary permissions and approvals, the instant application needs to be allowed so that the applicant/appellant is granted an opportunity to contest the appeal on merits.

8. Accordingly, the instant application is allowed. The delay of 176 days in filing the restoration application is condoned subject to the cost of Rs.3,000/- to be paid by the applicant to the Kirtikar Law Library, High Court, Bombay within two weeks from today. Interim Application is allowed and accordingly, First Appeal is restored.

(PRAFULLA S. KHUBALKAR, J.)

VDMokal/-