

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 88 OF 2024
IN
FIRST APPEAL (ST.) NO. 10144 OF 2015
ALONG WITH
FIRST APPEAL (ST.) NO. 10144 OF 2015
ALONG WITH
CIVIL APPLICATION NO. 89 OF 2024
IN
FIRST APPEAL (ST.) NO. 10144 OF 2015

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Reliance General Insurance Company LimitedApplicant/Appellant

Versus

Arjun Rajpat Singh & Ors.Respondents

Mr. Akshay Kulkarni (through V. C.) for the Applicant/Appellant.

Mr. T. R. Kale i/by Mr. T. J. Mendon for the Respondents.

CORAM : JITENDRA JAIN, J.
DATED : 23rd MARCH 2026

P. C. :

1. This Civil Application No. 88 of 2024 is filed for condoning the delay of 352 days in challenging the order of the MACT, Mumbai dated 30th November, 2013.

2. The impugned order is dated 30th November, 2013 and the Appeal under Section 173 of the Motor Vehicles Act, 1988 had to be filed within 90 days. The appeal is filed on 25th March, 2015. Consequently, there is a delay of almost a year.

3. The reasons for the delay is stated in civil application. In paragraph 6 it is stated, though the impugned order is dated 30th November, 2013, the application for certified copy was filed on 22nd December, 2014 i.e. after 387 days. The certified copy was made available on 28th January, 2015, which was collected on 29th January, 2015. Thereafter, the matter was put up before the approving committee of the appellant insurance company and the committee approved the filing of the appeal on or about 19th February, 2015. Thereafter, the papers were received by the Advocate and the appeal came to be filed on 25th March, 2015.

4. There are serious allegations made against the advocate without any averments as to what steps applicants have taken against the advocate. It has become the general practice for the litigants to blame the advocate without making them a party or without taking any action against them. Such course of action is highly deplorable. In any case, the litigants should follow up with the advocate and not the other way around. The present applicant is a private sector corporate company and negligence, cannot be attributed to the advocate by merely making any allegations in the application. The explanation that advocate did not made an application for certified copy, therefore cannot be accepted. It was for the applicant to follow up with the advocate and not other way round.

5. The reasons given for condonation, therefore, cannot be accepted. If the reason are accepted, then it will amount to giving a finding against the advocate against whom allegations are made, without hearing the advocate. The name of the advocate is also not specified in the application, nor any affidavit is filed by that advocate against whom allegations are made, stating that such allegations were correct.

6. In view of above, no “sufficient cause” is shown for condoning the delay. Civil Application No. 88 of 2024 is dismissed. Consequently, Civil Application No. 89 of 2024 and First Appeal (St.) No. 10144 of 2015 do not survive and are disposed of accordingly.
7. Amount of statutory deposit be transferred to MACT Court, Mumbai.
8. Civil Applications and First Appeal are disposed of.

[JITENDRA JAIN, J.]