

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 889 OF 2026
WITH
INTERIM APPLICATION NO.888 OF 2026
IN
FIRST APPEAL (ST) NO.17274 OF 2021

The Oriental Insurance Co. Ltd., Chhatisgarh	...Applicant/ Appellant
<i>Versus</i>	
Smt. Sangita Dattatraya Bhinge & Ors.	...Respondents

Ms. Chinmayee Suhas Ghag, *for the Applicant/Appellant.*
Ms. Shweta More, *i/b Manish S. Kelkar for the Respondent*
No.1.

CORAM DR. NEELA GOKHALE, J.
DATED: 5th FEBRUARY 2026

PC:-

1. The Applicant/Original Appellant had preferred First Appeal (St) No.17274 of 2021. By order dated 12th June 2024, the Registrar (Judl-II) had granted three weeks time to remove office objections. It was specifically recorded that, in the event of failure to remove the office objections raised by

the Registry within the stipulated period, the registration of the First Appeal (St.) along with the Interim Application would stand refused without further reference to the Court or the Registrar.

2. As the office objections were not removed, the First Appeal came to be dismissed by order dated 28th July 2025. A Co-ordinate Bench of this Court directed that the statutory amount be transmitted to the Tribunal concerned along with accrued interest thereon, with liberty to the parties to withdraw the same in accordance with the Rules. The Court also directed refund of Court-fees to the parties.

3. The Applicant has now filed the present Application seeking restoration of the First Appeal, which challenges the Judgment and Award dated 25th November 2020 passed by the Motor Accident Claims Tribunal, Pune, in M.A.C.P. No. 943 of 2013.

4. The restoration Application is stated to have been filed on 2nd January 2025 and is affirmed by the Section Officer of the Appellate Side of this Court on the same date. However, it is noted that at page 5 of the Application, the date of filing is mentioned as 2nd January 2026 by the concerned Advocate. The Advocate appearing for the Appellant has signed the Application and affixed his stamp thereon.

5. There is a delay of 540 days in filing the restoration Application. The verification to the delay condonation Application mentions the date as 2nd January 2026, handwritten either by the counsel for the Appellant or by the Appellant. On the other hand, the affirmation by the Section Officer of the Appellate Side records the date as 2nd January 2025. Notably, above the signature of the Section Officer, there appears to be overwriting on the date so as to make it appear as “2026”. Further, the month as written by the Section Officer is unclear.

6. I have perused the contents of the delay condonation Application. The explanation for the delay is set out in paragraph 5 thereof, which reads as under:

“5. The Applicant states that the advocate on record could not comply with the office objections due to there being change of junior advocates and they lost track of the matter and hence objections could not be complied with. The Applicant states that they have a good case on merits and hence an opportunity be given by restoring the First Appeal.”

7. The Supreme Court, in the case of ***Rajneesh Kumar and Anr. v. Ved Prakash***¹ observed as under:

“10. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw

1 SLP (Civil) No. 935-936 of 2021 dated 21st November 2024

the entire blame on the head of the advocate and thereby disown him at any time and seek relief.”

8. It has become regular practice to make allegations against the advocate in such matters of delay without making advocate a party and without taking any action against the advocate. If according to the litigants, the advocate is responsible for the mess created then appropriate proceedings should have been taken or at least he should be made a party. Therefore, based on the records placed before me, the reasons given of attributing negligence on the part of the advocate cannot be accepted moreso without there being any material in support of whatever is stated in the application. Acceptance of reasons would amount to accepting negligence of the advocate without any material on record.

9. The aforesaid explanation does not satisfactorily explain a delay of 540 days. The reasons assigned are vague and do not constitute ‘*Sufficient cause*’ for condonation of such inordinate delay.

10. In these circumstances, I am not satisfied with the explanation offered by the Applicant for condonation of delay in filing the restoration Application. It is noted that by order dated 28th July 2025, this Court has already permitted the parties to withdraw the statutory amount along with accrued interest from the Tribunal in accordance with the Rules.

11. Consequently, the delay condonation Application is dismissed. As a result, the Application seeking restoration of the First Appeal also stands dismissed.

(DR. NEELA GOKHALE, J)

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NILESH
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