

GJVD010001822025



Received on: 6th January 2025

Registered on: 6th January 2025

Decided on: 29th April 2026

<u>Duration:</u>	<u>Years</u>	<u>Months</u>	<u>Days</u>
	01	03	23

Before the Motor Accident Claims Tribunal, Vadodara

Motor Accident Claim Misc. Application No.38 of 2025

Exh.: _____

Applicant:

Uttamben Nansingh Vasava
@ Utabai Karamsing Padvi
Age: 66 Years, Occupation: -
R/o.Post: Mandara, Gavhali,
Akkalkung, Nandurbar,
Maharashtra – 425 419.

Versus

Opponents:

- 1) **Rameshbhai Nansing Vasava**
R/o.Amiyar, Taluka: Sagbara,
District: Bharcuh.
- 2) **Sakraben Fulabhai Vasava**
R/o.Amiyar, Taluka: Sagbara,
District: Bharcuh.
- 3) **Nazirjusain Mohannadmuyan Malek**
R/o.Fertilizernagar,
Vadodara.
- 4) **Nila Construction**
C/o.Sanjaykumar Bhagirathbhai
611, 6th Floor, Kamal Building,
Opp.Commerce Faculty, MSU,
Vadodara.

5) United India Insurance Co. Ltd.

Suraj Plaza Bldg.,
Sayajigunj, Vadodara.

Appearance:

Mr.SM Shah – Ld.Advocate for the applicant

Ms.MN Soni – Ld.Advocate for the opponent no.5

None for rest of the opponents

An application for condonation of delay

:: JUDGMENT ::

1. The present application is for condonation of delay of about 2484 days, i.e. 07 years, 05 months and 05 days caused in filing Review Petition, for reviewing the judgment dated 31/03/2005 passed in MAC Petition Petition No.212 of 1994.
2. On being duly served, the opponent no.5 has appeared through Ld.Advocate Ms.MN Soni. Despite service of notice, none remained present on behalf of the opponent nos.1 & 2. The record indicates that the matter is pending for submissions of addresses of the opponent nos.3 and 4.
3. Despite providing sufficient opportunities, Ld.Advocates representing the applicant and the opponent no.5 did not turned up to argue in the matter.
4. The applicant in his application has submitted that when the MAC Petition No.212 of 1994 was filed, the present applicant was mentioned as claimant no.1 in the said proceeding, but, later on, the claimant nos.2 and 3 (present opponent nos.1 & 2) deleted the name of the present

applicant, fraudulently. It is submitted that later on the said MAC Petition came to be allowed by judgment dated 31/03/2005, and the opponent nos.1 and 2 have withdrawn the amount of compensation awarded by the Tribunal. It is submitted that the applicant is the widow of the deceased, and therefore, her right is involved in the said proceedings. It is submitted that even in the proceedings before the Hon'ble High Court of Gujarat in the matter of First Appeal No.3222 of 2005, the present applicant was impleaded as party, and thus, the time has lapsed, and delay has been caused in preferring the Review Petition. According to the applicant, such delay is not willful and inordinate, and it is not inaction on the part of applicant, and hence, it should be condoned. If delay is condoned, the applicant would be able to put forward her case. Accordingly, the applicant has prayed to condone delay by allowing the present application.

5. Having perused the record, the fact emerges that MAC Petition No.212 of 1994 was filed by the present applicant and two others claiming compensation of Rs.4,00,000/-. Later on, the present applicant came to be deleted as party/claimant from the said proceedings on the ground of her death. The said MAC Petition came to be allowed vide judgment dated 31/03/2005 in favour of remaining claimants, i.e. the present opponent nos.1 & 2. Thus, till passing of the said judgment, the present applicant remained silent. Thereafter, the opponent no.5 preferred First Appeal No.3222 of 2005 before the Hon'ble High Court of Gujarat, wherein, the present applicant had prayed to implead her as

party in the said proceedings, and accordingly, the Hon'ble High Court was pleased to implead the applicant as party in that proceedings. Thus, if the applicant is aggrieved by the said judgment, he could have filed Review Petition at the relevant time, but, she waited till 2025, and then approached this Tribunal by way of present application. It is also to be noted that in the present proceedings also, Ld.Advocate representing the applicant is not remaining present since long.

6. In the case of *Union Of India Vs. Jahangir Byramji Jeejeebhoy (D) through his LR [Petition for Special Leave to Appeal (C) No.21096 of 2019]*, the Hon'ble Apex Court emphasized that inordinate delays in filing petitions, including Review Petitions, must be explained adequately. The applicant's failure to provide compelling reasons for the delay, despite the fact that the underlying dispute may have substantial merit, was a key consideration in the Court's decision. It is also observed that the Court cannot allow delays to be condoned merely because the case presents an arguable point of law or a dispute of significant public or private importance. It is also observed that while access to justice is a fundamental right, the delay in seeking legal recourse without valid and justifiable reasons disrupts the timely delivery of justice. The Hon'ble Supreme Court further observed that such delays can lead to the undue prolongation of legal disputes, making it difficult for the legal system to function efficiently and equitably.

7. Keeping in mind the observations of the Hon'ble Apex Court in the aforementioned judgment, this Tribunal is of the view that the reasons put forward by the applicant for condonation of delay are not satisfactory. No compelling circumstances have been put forth by the applicant. Further, MAC Petition No.212 of 1994, filed in the year 1994 has been disposed off in the year 2005. Thus, after disposal of the said MAC Petition and even after impleading as party in First Appeal No.3222 of 2005, the applicant remained silent and inactive till 2025, and no satisfactory explanation or cause has been shown by her for the delay of 07 years, 05 months and 05 days caused in filing Review Petition. The reasons shown by the applicant are neither convincing nor inspiring the confidence of this Tribunal.
8. Hence, this Tribunal is not inclined to allow present application. Resultantly, following order is passed:

:: ORDER ::

(1) The present application is hereby DISMISSED.

Pronounced today, on this 29th day of April, 2026

Place: Vadodara

Date: 29/04/2026

**Sd/-
(Vikul Kanuprasad Pathak)
Chairman
MAC Tribunal, Vadodara
UID Code No.GJ00468**