

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MAIN CASE No: M.A.C.M.A. No. 1399 OF 2025

PROCEEDING SHEET

SL. No.	DATE	ORDER	OFFICE NOTE
	29.12.2025	<u>RY,J</u> <u>I.A.No.2 of 2025</u> This application is filed to condone the delay of 80 days in filing the present appeal. Heard. Learned standing counsel for the Insurance Company submitted that the certified copies were made ready on 07.04.2025 and the appeal was supposed to be filed within time. However, due to inadvertence and miscommunication, the entire file was misplaced and in the first week of September, 2025, the file was traced and appeal was preferred immediately on 24.09.2025 with delay of 80 days. Learned counsel for the claimants opposed the petition stating that the delay of 80 days is abnormal, it cannot be condoned without mentioning the name of the person who has misplaced the file and no details are provided about the action taken against such individual. In support of his case, learned counsel for the claimant relied upon the judgment of the Rajasthan High Court in case of <i>New India Insurance Company Limited and others v. Smt. Keshar and other</i>¹, wherein, it is held that the delay of 16 days in filing the appeal due to gross negligence on the part of the	Transferred to I.O. Folder before making corrections

¹ AIR 1996 RAJASTHAN 28

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		Insurance Company, cannot be condoned and the lethargy and fault of the Insurance Company cannot be reasoned for the claimants to suffer. He also relied upon the judgment of the Jammu and Kashmir High Court in case of <i>Oriental Insurance Company v. Mst. Zarifa and others</i>², wherein, it is held that the procedural technicalities cannot be allowed to defeat the purpose of the Act that too when the delay is not explained and not reasonable. In the instant case, the reason for delay is that the certified copies were obtained but the entire file was misplaced and therefore, there was delay of 80 days in filing the present appeal. The reason stated is not improbable. Further, the appellant-Insurance Company has deposited the 25% of the decretal amount on the bonafide belief that the reasons stated for delay in filing appeal is true, delay is condoned. Accordingly, the I.A. is allowed condoning the delay of 80 days in filing the present appeal. <u>I.A.No.4 of 2025</u> The application is filed by the claimants seeking to vacate the interim stay granted by this Court on 08.10.2025 in I.A. No. 3 of 2025 and also to permit the claimants to withdraw the compensation amount deposited by the appellant-Insurance Company pursuant to the orders passed by this Court on 08.10.2025. This Court by order dated 08.10.2025 in I.A. No.	

² AIR 1995 JAMMU AND KASHMIR 81

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		3 of 2025 granted stay of operation of the decree dated 29.01.2025 passed in M.V.O.P. No. 167 of 2021 on the file of the Chairman, Motor Accident Claims Tribunal-cum-XI Additional Chief Judge, City Civil Court, Hyderabad, on condition of appellant-Insurance Company depositing 25% of the decretal amount together with costs and interest. Learned counsel for the claimants sought permission to withdraw the amount deposited by the Insurance Company. Whereas, learned standing counsel for the Insurance Company opposed the same referring to the evidence of RW.1 who produced Ex.X.1, medical record to demonstrate that the hospital issued entire medical record, wherein, it is also stated that the victim himself hit the tree and that there was no pillion rider and the witness who is examined as eye-witness is own brother of the victim. The issue of negligence was already discussed by the Tribunal on the basis of contents of FIR and charge sheet. Hence, at this stage, this Court deems it fit and proper to permit the claimants to withdraw the deposited amount. Therefore, the claimants, except minors, are permitted to withdraw the amount already deposited by the appellant-Insurance Company together with costs and interest without furnishing any security and the interim stay granted by this Court dated 08.10.2025 is made absolute. Accordingly, the application stands disposed of.	

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		<u>M.A.C.M.A. No. 1399 of 2025</u> Admit. Call for the records. List on 16.03.2026 for hearing. RY, J gms	

