



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 3157 OF 2015  
IN FAST/3878/2015**

Govardhan s/o Mohanlal Viyas (Sharma)  
Age: 62 years, Occupation : Business,  
R/o. Old Mondha, Nanded.

....Applicant  
(Org. Claimant)

**Versus**

1. Mohammaed Wasim Farooqui  
s/o Mohd. Faim Farooqui,  
Age: Major, Occu.: Business and  
owner of Tanker No.MH26/H-7601,  
R/o.Biloli, Tq.Biloli, District Nanded.

2. United India Insurance Co.Ltd.,  
Through its Branch Manager,  
Division Office at Nanded.

.... Respondent  
(Org. Defendants)

.....  
Advocate for Applicant : Mr. Zia Ul Mustafa  
Advocate for Respondent No.2 : Mr. Swapnil S. Rathi  
Respondent No.1 served

.....  
**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 17 APRIL, 2026**

**PRONOUNCED ON : 08 JUNE, 2026**

**ORDER :**

1. This is an application for condonation of delay caused in filing first appeal against judgment and award dated 06-08-2011 passed by learned Adhoc District Judge-2 and Member, MACT Nanded, in MACP No.678 of 2008, thereby partly allowing the injury claim.



2. Learned counsel for the applicant would submit that applicant had instituted MACP No.678 of 2008 under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.3,00,000/- on account of injuries and medical expenses incurred in road traffic accident dated 27-06-2008. That, learned Tribunal was pleased to partly allow the claim and merely granted Rs.1,54,000/- out the claim of Rs.3,00,000/-. That, against the same, appeal is to be preferred before this Court, however, there is delay of 1156 days.

3. Learned counsel submits that delay is unintentional. That, copy of judgment and award was received on 19-12-2011. That, he was not aware of limitation of filing first appeal and further time was spent in raising funds to file appeal due to which there is above delay and therefore, in the interest of justice, delay is sought to be condoned.

4. Learned counsel for respondent No.2 Insurance Company strongly opposed on the ground that delay is huge and moreover, there is no sufficient cause attributable so as to condone the delay.

5. Heard.



6. This is an application for condonation of delay. Admittedly, delay is of 1156 days in questioning the judgment and award passed by the Tribunal. It appears from the record that award was passed by the Tribunal on 06-08-2011 and even it is the contention of the applicant herein that he obtained copy of judgment on 19-12-2011. However, no appeal has been filed within stipulated period. Here, there is above delay which is almost of more than three years and as such it is huge. While condoning delay, even if liberal approach is to be adopted, some plausible reason or sufficient cause needs to be made out so as to condone delay. Here, there does not seem to be any plausible explanation. When in cases of such nature, there is involvement of interest part over the award, then rights of the Insurance Company cannot be lost sight of. For such reason, this Court does not find there to be good and sufficient cause to condone immensely huge delay. Hence, following order is passed :

**ORDER**

Civil Application is rejected.

**( ABHAY S. WAGHWASE )**  
**JUDGE**