



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 4918 OF 2024
IN
FIRST APPEAL NO. 926 NO. 2018**

1. Chaya wd/o Vishwas Sasane,
Age : 48 years, Occu : Housewife,
R/o. Sirsathwadi, Tal-Pathardi,
Dist. Ahmednagar
 2. Vaibhav s/o Vishwas Sasane,
Age : 21 years, Occu : Education,
R/o. Sirsathwadi, Tal-Pathardi,
Dist. Ahmednagar
 3. Priti d/o Vishwas Sasane,
Age : 18 years, Occu : Education,
R/o. Sirsathwadi, Tal-Pathardi,
Dist. Ahmednagar
 4. Bhaskar s/o Waman Sasane,
(Deleted as per order dated 14.07.2017)
 5. Shobha wd/o Bhaskar Sasane,
Age : 70 years, Occu : Housewife,
R/o. Sirsathwadi, Tal-Pathardi,
Dist. Ahmednagar
- Applicants

Versus

1. The New India Assurance Co. Ltd.
Divisional Manager, Abbot Building,
Behind hotel Ashok, Nagar-Aurangabad
Raod, Ahmednagar
 2. Sundrabai w/o Rajendra Jayabhaye,
Age : 55 years, Occu : Housewife,
R/o. Wamanbhau Nagar, Pathardi,
Tal-Pathardi, Dist. Ahmednagar
- Respondents

-2-

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Advocate for Applicants : Mr. R. B. Dhakane

Advocate for Respondent No. 2 : Mr. M.R. Khutwad

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 28 NOVEMBER 2024

PER COURT :-

1. Present application is moved for condonation of delay caused in depositing court fees towards enhanced compensation.

2. Learned counsel for applicants-original claimants submitted the First Appeal No. 926 of 2018 was preferred by present respondent no.2-original owner, challenging the judgment and award passed by learned Motor Accident Claim Tribunal, Ahmednagar in MACP No. 466 of 2006 and by judgment and order dated 22.11.2022, this Court directed present respondents to deposit the amount of compensation at enhanced rate within three months from the date of judgment. The applicants were also directed to pay the deficit court fees on the enhanced amount of compensation within two weeks.

3. Learned counsel for the applicants further submits that, applicant no. 1 is wife of deceased whereas applicant nos. 2 and 3 are her children who are taking education and applicant no. 5 is mother of deceased. Therefore, in spite of efforts, amount towards deficit court fees on enhanced compensation was not deposited within stipulated period. However, now the amount has been arranged. Even the challan is ready, however, the office has raised objection that

there is delay in depositing deficit court fees on enhanced compensation and hence, applicants have preferred instant application.

4. On going through the papers, it seems that this Court decided First Appeal No. 926 of 2018, by judgment and order dated 22.11.2022, partly allowing the appeal and thereby enhancing the compensation by virtue of clause (II) of the operative part. It seems that present applicants (respondent nos. 1 to 3 and 5 therein) were directed to pay deficit court fees on enhanced amount of compensation within period of two weeks after it is determined by the office.

5. Therefore, considering the above contentions raised in this application and nature of proceedings, prayer for condonation of delay deserves to be allowed. Hence, the application is allowed in terms of prayer clauses [B] and [C] and disposed off accordingly.

[ABHAY S. WAGHWASE, J.]

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