



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL FIRST APPEAL (ST) NO. 29996 OF 2023
ALONGWITH
INTERIM APPLICATION NO. 9962 OF 2024
ALONGWITH
INTERIM APPLICATION NO. 9963 OF 2024
ALONGWITH
INTERIM APPLICATION NO. 9961 OF 2024**

Machindra Savta Raikar ...Appellant

vs.

National Insurance Co. Ltd.
And Ors. ...Respondents

**ALONGWITH
FIRST APPEAL NO. 692 OF 2024**

National Insurance Company
Ltd.Through MBRO-III,Mumbai
Third Party Hub ...Appellant

vs.

Shri.Kisan Narayan Changan
and Ors. ...Respondents

Deval K. Anja	Advocate for the Appellant in FAST 29996 of 2023
Adv. Jaya Shukla i/by Adv. Sneha Dwivedi	Advocate for Respondent No. 1 - National Insurance Co. Ltd. in FAST 29996 of 2023 and for Appellant in FA No. 692 of 2024
Malhar Bageshwar i/by Siddharth Wakode	For the Original Claimants

CORAM : S. M. MODAK, J.

DATE : 12th AUGUST 2024**P.C. :-**

1. Heard learned Advocate for the Claimants, who are legal representatives of the deceased. The deceased was occupant of Maruti van and heard learned Advocate for Insurance company of the van. Also heard learned Advocate for owner of the motorcycle.
2. During the accident, the motorcycle owner received injury. So also occupant of the van died. The motorcycle was not insured.
3. The Motor Accident Claims Tribunal, Satara has held the driver of the van and the driver/owner of the motorcycle 50% responsible.

Now there are two appeals before the Court. They are :-

- (i) **One is by the owner of the motorcycle** and Yet it is not numbered because there are two interim applications. They are as follows :-
 - a) Interim Application No. 9963 of 2024 for condonation of delay for six years.
 - b) Interim Application No. 9962 of 2024 for waiver of the

Court fees.

4. My attention is invited to power and duty of the Registrar and paragraph no. 12(A) chapter 4 of the High Court Appellate Side Rules.

The owner of the motorcycle claims, he is indigent.

5. Let report be called from the learned Registrar (Judicial-I).

6. Learned Advocate for the Claimant seeks time to file a reply. He can do so.

FIRST APPEAL NO. 692 OF 2024

7. This is an appeal **by Insurance company of the van**. Yet learned Advocate for the Claimants has to file Vakalatnama. He undertakes to file Vakalatnama in this appeal. There is already conditional stay. Condition is fulfilled.

8. Both matters be kept on **09th September 2024**.

[S. M. MODAK, J.]