



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

**12 CIVIL APPLICATION NO. 2959 OF 2012
IN FAST/4700/2012**

**YASHODA BALRAJ GAUD (DIED) THR LRS. DINDAYAL BALRAJ GAUD
VERSUS**

NABI GULABSAB MOTOLE AND ORS

Mr.S.G. Rudrawar, Advocate for the applicant.

Mr.S.R. Bodade, Advocate for respondent No.3.

Mr.Sudhir K. Chavan, Advocate for respondent Nos. 4 and 5.

CORAM : KISHORE C. SANT, J.

DATE : 22.09.2025

PC :-

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. Heard learned Advocates for the parties. This application is for condonation of delay of 2791 days caused in filing the appeal challenging judgment and award passed by the learned Motor Accident Claims Tribunal, Nilanga dated 25.03.2004 in MACP No. 36 of 2002.

02. Learned Advocate for the applicant vehemently argued that the delay is unintentional. Learned Tribunal has not granted adequate compensation to the applicant-claimant and therefore the claimant approached this Court. The claimant was a lady not much aware of her rights. Now the claimant is also dead and her heir is brought on record. He thus submits that the applicant is also old aged person. He, therefore, prays for condonation of delay.

03. Learned Advocate Mr. Bodade strenuously opposes the application. He has already filed reply. He submits that there is no sufficient explanation of the delay. The delay is about eight years. He submits that the application deserves to be dismissed.

04. Since this application is by original claimant (now deceased), this Court is inclined to allow this application, however, on condition that the applicant shall not be entitled to receive interest for the period from 2004 till today, in case the amount of compensation is enhanced.

05. Accordingly, this Civil Application is allowed. The delay is condoned. The First Appeal be registered.

FIRST APPEAL

01. Issue notice to the respondents, returnable on 03.11.2025. Learned Advocate Mr. Bodade waives service of notice for respondent No.3 and learned Advocate Mr. S.K. Chavan waives service of notice for respondent Nos. 4 and 5.

[KISHORE C. SANT, J.]