



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3192 OF 2025
IN FAST/5905/2025

Poonam Raju Shine And Ors

VERSUS

Sandeep Nanasaheb Kale And Ors

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Mr. A. S. Gandhi & Mr. U. U. Wagh, Advocates for Applicants

Mr. A. B. Gatne, Advocate for Respondent no.2

CORAM : SANJAY A. DESHMUKH, J.

DATED : 08th DECEMBER, 2025

PER COURT :-

1. Learned Advocate Mr. U. U. Wagh submits that he has instructions to appear on behalf of the appellants, and that learned Advocate Mr. A. S. Gandhi has no objection.
2. In view of above, appearance of Mr. A. S. Gandhi is discharged from this matter.
3. This is an application for condonation of delay of 1960 days under Section 5 of the Limitation Act.
4. Learned Advocate for the applicants pointed out the application and submitted that Motor Accident Claim Petition No.448 of 2016 was decided by the learned Member, Motor Accident Claims Tribunal, Ahmednagar by the judgment and award dated 09.07.2019. He submitted that thereafter, the Covid-19 pandemic was the hurdle

for the applicants to file the appeal. Initially, the respondent/Insurance Company had not deposited the amount. The applicants have lost their breadwinner and are struggling for their livelihood. Applicants required some time for arranging the fund for filing the appeal. Therefore, they were unable to file the appeal. Applicants submitted that the delay is not deliberately caused. It is lastly prayed to condone the delay in the interest of justice.

5. Learned Advocate for the respondent pointed out the affidavit-in-reply and the fact that pursuant to the decision of the applicants' claim, an amount of Rs.69,80,221/- was deposited by cheque dated 20.12.2019. The said amount was withdrawn by the applicants, which indicates that in the year 2019, applicants had sufficient funds to proceed further with filing the appeal. He submitted that there is no sufficient cause to condone the delay. He therefore, prayed to reject the application.

6. Learned Advocate for the applicants fairly accepted that the amount deposited by the Insurance Company is withdrawn by the applicants.

7. Having considered the reasons advanced, it appears that the applicants' explanation for condonation of delay, that they did not have sufficient funds to file the appeal, is not genuine. If all these aspects are considered together, the application deserves to be

rejected as it lacks sufficient reasons to condone the delay as contemplated in Section 5 of the Limitation Act. Hence, the following order:

ORDER

- a. Civil Application is rejected.

(SANJAY A. DESHMUKH, J.)