



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

**CIVIL APPLICATION NO. 2796 OF 2025
IN FAST/7275/2025**

Sawali Gopal Dhokale U/g Her Grand Father Arun Dattoba
Makude And Anr

VERSUS

Rajendra Maruti Machale And Ors

...

Mr. R. B. Deshpande, Advocate for Applicants

Mr. M. R. Deshmukh, Advocate for Respondent no.2

Mr. L. S. Shaikh h/f Mr. S. B. Choudhari, Advocate for
Respondent no.3

...

WITH

CIVIL APPLICATION NO. 2797 OF 2025 IN FAST/7275/2025

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 2796 OF 2025 IN FAST/7275/2025 (DELAY)

. Taking exception to the judgment and award dated 16.08.2024, passed by the learned Member, Motor Accident Claims Tribunal in M.A.C.P. No.80 of 2020, the claimants have presented this First Appeal. The First Appeal is delayed by 67 days.

2. The claimants/applicants submit that the delay is not inordinate nor deliberate or out of any lethargy on the part of the applicant. The applicants submit that they have lost their breadwinner in the accident and hence they had filed the

claim petition. It is the case of the applicants that the compensation is inadequate as also there is disproportionate assessment of the compensation which needs to be interfered by this Court in the appeal. Learned Advocate for the applicants seek condonation of delay of 67 days caused in filing the present First Appeal.

3. The respondent no.1 though served, remain absent. Learned Advocate Mr. M. R. Deshmukh and Mr. L. S. Shaikh h/f Mr. S. B. Choudhari for respondent nos.2 and 3 respectively have no objection for condonation of the delay.

4. In view of above submissions, I pass following order:

ORDER

- a. Civil Application stands allowed in terms of prayer clause 'B'.
- b. Delay of 67 days caused in filing the First Appeal stands condoned.
- c. Applicants/Appellants to remove all the office objections, if any, within two weeks from today. Failing to which, the registration of First Appeal shall stand cancelled.
- d. Subject to removal of all office objections, registry to register the First Appeal.

FIRST APPEAL ST. NO.7275 OF 2025

. Heard.

2. Issue notice to the respondents, returnable on 17.10.2025, indicating that the appeal shall be heard finally at the stage of admission. Mr. M. R. Deshmukh and Mr. S. B. Deshmukh learned Advocates waives service of notice for respondent nos.2 and 3 respectively.

CIVIL APPLICATION NO. 2797 OF 2025 IN FAST/7275/2025 (STAY)

. Mr. R. B. Deshpande, learned Advocate submits that on 10.03.2025, this Court has passed order on the stay application as follows:

3. Since dispute relates to apportionment of compensation, the compensation amount falling to the share of original claimant No.1 Gopal Mahadeo Dhokale be withheld to the extent of 50%, if not already released.

2. Mr. R. B. Deshpande submits that although the number of application is not mentioned in the order, but order on stay application is passed in Civil Application No.2797 of 2025.

3. Stand over to 17.10.2025.

4. Interim relief, if any, to continue till then.

(AJIT B. KADETHANKAR, J.)