



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

CIVIL APPLICATION NO. 3753 OF 2025
IN FAST/7393/2025

Sangita Hari Thakare And Ors
VERSUS
Ramesh Balu Tribhuvan And Ors

Mr.P.C.Mayure, Advocate for applicants
Mr.S.R.Bodade, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 09, 2025

ORDER :-

Leave to correct the prayer clause, forthwith.

2. Heard learned counsel for the respective parties.
3. Feeling aggrieved by the judgment and award dated 27.03.2024, passed by learned M.A.C.T. in M.A.C.P. No.88 of 2018, the claimants have lodged the present appeal, seeking enhancement in the award amount.
4. Learned counsel for the applicant submits that there is delay of 226 days in filing the appeal. He prays for appreciating the grounds mentioned in this application and for condonation of delay.

5. Per contra, learned counsel for respondent no.3 - Mr.Bodade vehemently opposed the application. He would submit that no categorical explanation for delay has been advanced. He submits that the delay is inordinate and has been caused pertinently to incur further exorbitant amount from the Insurance company. He, therefore, prays for rejection of the application.

6. Heard learned counsel for the parties. The M.A.C.P. No.88 of 2018 was filed by the present applicants seeking compensation under Section 166 of the Motor Vehicles Act, against the death of their breadwinner. The claim was filed for Rs.90 Lakhs; whereas, learned Tribunal granted the amount of Rs.62,38,670/-. Being dissatisfied with the award amount, the applicants have filed appeal. The applicants submit that in order to file an appeal for enhancement, he did not have adequate finance to pay the court fee and to engage an Advocate. Moreover, the claimants were already in trauma, having suffered death of their bread winner. They, therefore, could not take appropriate decision to lodge the appeal, since it required considerable amount of expenses. I am of the opinion that in the circumstances, the order condoning delay would meet the ends of justice, if the applicants do not claim interest on the award amount, if enhanced in the appeal, for the period of delay.

7. Hence, I pass the following order:-

- (i) The application is allowed.
- (ii) Delay of 226 days caused in filing the Writ Petition stands condoned. Registry shall register the First Appeal.
- (iii) Upon registration, issue notice to the respondents. Mr.Bodade, learned counsel, waives notice for respondent no.3. Call Record and Proceedings.
- (iv) The parties are put to notice that the appeal will be heard finally at the stage of admission.

[AJIT B. KADETHANKAR, J.]

KBP