



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

**CIVIL APPLICATION NO.3073 OF 2025
IN FIRST APPEAL ST. NO.8080 OF 2025**

Kamal Pandit Patil and ors.
vs.
Balaji Kiran Dange and anr.

Ms.Tanishka P. Chavan, Advocate h/f. Mr.P.S.Chavan, Advocate for
applicants

Mr.S.M.Ganachari, Advocate for respondent no.2

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 18, 2025

ORDER :-

Feeling aggrieved by the judgment and award dated 23.11.2022, passed by learned Member, M.A.C.T., Osmanabad, in M.A.C.P. No.308 of 2018, the original claimants have lodged the First Appeal. There is delay of 715 days in preferring the appeal and hence, present application is filed condonation of delay by the original claimants.

2. Ms.Tanishka Chavan, learned counsel for the applicants, submits that the delay was not outcome of any lethargy or negligence on the part of the claimants. She would further submit that the applicants have sufficiently demonstrated

the grounds for condonation of delay in her application in paragraphs 3 and 4. Ms.Chavan further submits that despite entitlement of the claimants being on higher side, learned Tribunal has erred in assessing it disproportionately. That, if the matter is heard on merit, that would mean “just and proper compensation”, within the meaning of the Motor Vehicles Act. Conclusively, submitting that the delay to be bona fide, she prays for allowing of the application.

3. Learned counsel for respondent no.2 has opposed the application vehemently. It is submitted that the delay is not properly explained and that the insurer must not be put to any loss for the latches on the part of the claimants.

4. Having heard both the parties, I find that the claimants have sufficiently explained the delay in their Civil Application. It cannot be over looked that the claim petition under the Motor Vehicles Act, is a piece of social beneficial legislation and hence, must not be dealt with in accordance with other routine matters.

5. Hence, the following order:-

- (i) The Civil Application is allowed.
- (ii) Delay of 730 days caused in filing the First Appeal against the judgment and award dated 23.11.2022, passed by learned M.A.C.T. in M.A.C.P. is hereby condoned.
- (iii) The applicants/appellants shall not be entitled for any interest for the delayed period, in the event of enhancement, if any, of the award amount in the appeal.
- (iv) Registry to register the appeal. Upon registration, issued notice to the respondents. Mr.Ganachari, learned counsel for respondent no.2, waives notice.
- (v) The appellant to remove all the office objections within two weeks from today, failing which the appeal shall stand dismissed automatically, without further reference to the court.
- (vi) The matter be listed after service of notice is complete. In the meantime, applicant/appellants shall take recourse to Chapter II of the Bombay High Court Appellate Side Rules, 1960, corresponding to the position of the matter.
- (vii) Call Record and Proceedings.

[AJIT B. KADETHANKAR, J.]

KBP