



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 CIVIL APPLICATION NO. 8919 OF 2023
IN FAST/13798/2023

NIRMALA SAMADHAN SAPKAL AND ANR
VERSUS
MOHD YUNUS MOHD YUSUF AND ANR

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Mr. P. S. Agrawal, Advocate for Applicants

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 15th SEPTEMBER 2025

PER COURT :-

1. Being dissatisfied with the judgment and award dated 11.10.2022, passed by the learned Member, Motor Accident Claims Tribunal, Parbhani in M.A.C.P No.171 of 2018, the applicants/claimants have preferred this First Appeal.

2. Mr. P. S. Agrawal, learned counsel for the applicants submits that there is delay of 80 days in filing the First Appeal. He contends that the applicant/claimants lost their sole bread-earner and had no means of livelihood. He would further submit that due to lack of legal knowledge, the applicant/claimants could not contact their legal adviser. He invited my attention to paragraph Nos.3 and 4 of his Civil Application to justify the delay.

3. Notices were issued in this Civil Application. Despite service of notice, nobody appears for the respondents today. Motor Accident Claim Petition is a case of social welfare legislation. Implementation of insurer's claim petition is an outcome of the contract between the insurer and

insured. Third party claims made permissible under the Motor Vehicle Act, 1988 do involve the insurer in view of the social welfare legislation.

3. In the present case, the Applicants submit that this is not a case where the insurer can be exonerated from the liability to indemnify the insured. Although the award is in favour of the applicants/claimants, it will remain only on paper unless the insurer is made responsible to indemnify the Owner.

4. In view of this, I pass the following order:-

ORDER

a. Civil Application is allowed in terms of prayer clause "B".

b. Delay of 80 days is hereby condoned.

c. Registry to register the First Appeal subject to removal of all office objections within two weeks from today.

5. After registration, issue notice to the respondents, returnable on 13.10.2025.

6. The applicants are permitted to serve the respondents by all permissible modes of private service and to file an affidavit of service to that effect.

7. Call Record and Proceeding.

[AJIT B. KADETHANKAR, J.]