



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO. 7227 OF 2023 (DELAY)
IN FAST/15547/2023

JAYASHREE CHANDRAKANT PATIL AND ORS
VERSUS
AVINASH VASANTRAO PATIL AND ANR

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Ms. Kirti Deshpande h/f. Mr. M. M. Bhokarikar, Advocate for Applicants
Mr. S. S. Sarda h/f. Mr. M. R. Deshmukh, Advocate for Respondent No.2

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 23.09.2025

PER COURT :-

1. Feeling aggrieved with the inadequate compensation granted by the learned Motor Accident Claims Tribunal, Jalgaon in Motor Accident Claim Petition No.137 of 2017 on 30.08.2022, the claimants/applicants have filed the present First Appeal.
2. Ms. Kirti Deshpande h/f. Mr. M. M. Bhokarikar, learned counsel for the applicants submits that it was a death compensation case and there was ample evidence to evaluate the claim of the applicants at correct quantum of compensation. She submits that the learned Tribunal has granted very meager amount to them. She further submits that the applicants were in mental trauma as they had loss their sole breadwinner. Due to financial constraints as well as other personal limitations, the appeal could not be filed

earlier, resulting in a delay of 113 days. She further submits that the delay is not attributable to any lethargy or negligence on their part, but is bona fide, as adequately explained in paragraph 4 (and its sub-paragraphs) of the application. She thus prays for condonation of the delay and for the appeal to be heard on merits.

3. Mr. Sarda h/f. Mr. Deshmukh, learned counsel for respondent no.2 opposes the application.

4. Upon having heard the parties, I am of the considered view that the delay is well explained by the applicants. The entitlement of the applicants to the awarded compensation is already adjudicated by the learned Tribunal which is also challenged by the Insurance Company in another First Appeal.

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

ORDER

- a. Civil Application stands allowed.
- b. Delay of 113 days, caused in filing the First Appeal is hereby condoned.
- c. Registry to register the First Appeal, subject to removal of office objections, if any, by the applicants, within two weeks from today, failing to which the registration of the First Appeal stand canceled.

FIRST APPEAL STAMP NO. 15547 OF 2023

1. Issue notice to the respondents. Mr. Sarda h/f. Mr. Deshmukh, learned counsel waives service of notice for respondent no.2.
2. Call Record and Proceeding.

[AJIT B. KADETHANKAR, J.]

PRW