



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

CIVIL APPLICATION NO. 5926 OF 2024
IN FAST/16400/2024

Dashrath Dharma Mariaaiwale And Anr
VERSUS
Giridhar Rajaram Kalal And Anr

Mr.Avishkar D. Patil, Advocate h/f. Mr.Ashwini A. Lomte, Advocate for
applicants

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

ORDER :-

Feeling dissatisfied with the awarded compensation granted by learned Member of M.A.C.T., Osmanabad in M.A.C.P. No.13/2022, the First Appeal has been filed by the original claimants, seeking enhancement in the amount of compensation. The appeal is filed with delay of 101 days. Hence, present application.

2. Though the respondents are duly served, nobody has caused appearance today in the matter. Hence, I am dealing with the matter on its own merits.

3. The applicant in paragraphs 2 to 5 have explained the delay caused in filing the appeal. It is their contention that due to financial weakness, they could not secure the funds to file appeal as also due to mental trauma that they had suffered, they were not in mental condition to approach the legal advisor and file appeal within time. The claimants further submit that on merits, they have a good case and the compensation must be enhanced in the light of the case they have put up in the appeal.

4. In the light of the above, the application is allowed. Delay of 111 days caused in preferring the First Appeal, is condoned. The appeal be registered.

First Appeal Stamp :-

5. Issue notice to the respondents, indicating the appeal shall be heard finally at the admission stage, as the issue is only as regards enhancement of quantum. Call Record and Proceedings.

6. The matter be listed after service of notice is complete. In the meantime, applicants/appellants shall take recourse to Chapter II of the Bombay High Court Appellate Side Rules, 1960, corresponding to the position of the matter.

7. Office objections be removed within two weeks, failing which the matter shall stand dismissed automatically without reference to the court.

[AJIT B. KADETHANKAR, J.]

KBP