



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**947 CIVIL APPLICATION NO. 9752 OF 2023
IN FAST/22320/2023**

Ratnamala Ashok Khedkar And Ors.
Versus
Sachin Manikrao Munde And Anr.

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Ms. Ankita Mantri, Advocate h/f Mr. Dargad Swapnil Sunilkumar,
Advocate For Applicants
Mr. M. R. Deshmukh, Advocate For Respondent No. 2

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CORUM : ROHIT W. JOSHI, J.
DATE : 4th APRIL, 2025

ORDER :

CIVIL APPLICATION NO. 9752 OF 2023 :

1. This is an application seeking condonation of 145 days. Delay is caused in filing First Appeal under Section 173 of the Motor Vehicles Act, 1988. Applicants are widow, daughter and parents of the deceased. The grievance of the applicants is that compensation awarded by the learned Tribunal is inadequate and they are entitled for additional amount of compensation.

2. It is stated that the advocate has taken out only one certified copy of the judgment and award, which was utilized for filing execution proceedings. The applicants state that they are laymen, who are not acquainted with legal procedures. It is submitted that since the certified copy obtained was utilized in another proceedings, another certified copy was required to be obtained. The delay, according to me, is properly

explained. Apart from this, it should also be considered that the applicant no. 1 is widow, applicant no. 2 is daughter applicant nos. 3 and 4 are parents of the deceased are more than 70 years of age. The applicant no. 2 is a student and applicant no. 1 is housewife. Although the learned counsel for respondent no. 2 - Insurance Company has strongly opposed the application, in my considered opinion, having regard to the nature of proceeding and explanation offered, the delay deserves to be condoned.

3. Civil application is disposed of.

FIRST APPEAL STAMP NO. 22320 OF 2023:

1. List the appeal for final hearing on admission stage 04.07.2025.
2. The learned advocate, Mr. Deshmukh waives service for respondent no. 2.
3. Issue notice to respondent no. 1 by Registered Post Acknowledgment Due in addition to the regular mode of service.
4. Call Record & Proceeding.
5. Office to ensure that the Record & Proceeding is received before the returnable date.

[ROHIT W. JOSHI, J.]

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