



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 13072 OF 2025
IN FAST/31216/2023

Vishwanath Kallapa Kalgapure Thr. Next Friend Prabhavati
Vishwanath Kalgapure

VERSUS

Shashikant Vishwanath Shinde And Ors

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Advocate for Applicant : Mr. Manale Satish S

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 27th NOVEMBER 2025

PER COURT :-

1. The civil application is filed for condonation of delay of 241 days caused in filing the application for restoration of first appeal. The first appeal was dismissed for non removal of office objection, as the deficit court was not paid. Learned advocate for the applicant submitted that the claimants have restricted their claim for Rs.1,00,000/- and as per section 173 of the Motor Vehicle Act r.w. clause (2) of Section 7 of the Maharashtra Court Fees Act, the claimant can restrict the claim for compensation and therefore, it is not incumbent upon the claimant to deposit the court fees as ordered by the Registrar (Judicial) of this court. The application therefore, deserves to be allowed. The delay of 241 days caused in filing the civil application of restoration of first appeal is condoned in the interest of justice. The appeal is restored to its original position.

2. In first appeal, issue notice to the respondents, returnable on 18.12.2025. Private service is permitted. Call for record and proceeding.

(SANJAY A. DESHMUKH, J.)

rlj/