



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO. 11519 OF 2024
IN FAST/29123/2024

YOGITA SANDIP SANDHAN AND ANR
VERSUS
SUBHASH HAJARIMAL CHAJED AND ORS

...

Shri. K. N. Shermale, Advocate for Applicants

Shri. A. S. Usmanpurkar Aniruddha, Advocate for Respondent No.2

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 10th SEPTEMBER 2025

PER COURT :-

1. Feeling aggrieved and dissatisfied by the judgment and award dated 05.12.2023 passed by the learned Member, Motor Accident Claim Tribunal, Sangamner, Tq. Sangamner, Dist. Ahmednagar in Motor Accident Claim Petition No.40 of 2017, the original claimant Nos.1 and 2 have preferred this First Appeal.
2. Pursuant to the notices issued by this Court to the respondents in the Civil Application for condonation of delay, Shri. A. S. Usmanpurkar caused his appearance on behalf of the Insurance Company i.e. respondent No.2.
3. The record shows that respondent No.1 i.e. owner of the insured vehicle is also served and has been represented by Mr. N. S. Ghanekar and Mr. S. S. Subhedar. Service of notice on respondent Nos.3 and 4 is reported to be unserved due to change in their addresses.

4. Learned counsel Shri. Shermale submits that the appeal is not filed against any interest of respondent Nos.3 and 4 and assures that respondent Nos.3 and 4 would be the shareholders in any compensation awarded either by this Court in appeal or by the Tribunal, as the case may be. As such, service of notice on respondent Nos.3 and 4 is dispensed with for the purpose of present application. I am convinced on the grounds mentioned in the Civil Application, justifying the delay caused in filing the First Appeal. Hence I pass the following order :

ORDER

- a. The Civil Application stands allowed in terms of prayer clause "B".
- b. Delay of 224 days is hereby condoned.
- c. The First Appeal is ordered to be registered.

5. Upon registration of this First Appeal, issue notice to the respondents returnable on 10.10.2025. Shri. Usmanpurkar, learned counsel waives service of notice for respondent No.2/Insurance Company. Shri. Ghanekar and Shri. Subhedar, learned counsel waives service of notice for respondent No.1.

6. Call Record and Proceeding.

7. Parties are put to notice that the appeal shall be heard finally at the stage of admission.

[AJIT B. KADETHANKAR, J.]