



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

976 CIVIL APPLICATION NO. 338 OF 2025
IN FAST/30393/2024

BIBIHAJRA HAMIDMIYA DESHMUKH
VERSUS
GOBIN SINGH BUTA SING AND ANR

...
Mr. Patel Fayaz K., Advocate for Applicant
Mr. A. S. Usmanpurkar, Advocate for Respondent No.2

...
CORAM : AJIT B. KADETHANKAR, J.
DATE : 19th SEPTEMBER 2025

PER COURT :-

1. Feeling aggrieved by the judgment and award dated 03.05.2024, passed by the learned Motor Accident Claims Tribunal, Latur, in M.A.C.P. No.68 of 2018, the applicant has preferred this appeal for enhancement of compensation.
2. It is submitted that there is a delay of 68 days in lodging the appeal. It is submitted that the delay is not deliberate nor out of any lethargy, but as the claimant is a poor lady and having no other support, she could not approach a legal adviser or advocate for filing the appeal. Mr. Patel, learned counsel for the applicant, submits that she was short of funds to file the appeal. Hence, he prays to condone the delay.
3. Per contra, Mr. Usmanpurkar, learned counsel for the Insurance company submits that the claim itself was not maintainable in view of amended provision of the Motor Vehicle Act. However, so far as

the delay is concerned, he graciously places no objection for condonation of delay, but would insist for hearing the First Appeal on the point of its maintainability.

4. In view of the above, I pass the following order :-

ORDER

- a. Civil Application stands allowed.
- b. Delay of 68 days, 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 applicant within two weeks from today.
- d. Applicant shall not claim any benefit or statutory interest for the delayed period.

FIRST APPEAL STAMP NO.30393 OF 2024

1. After registration of the First appeal, issue notice to the respondents, returnable on 17.10.2025. Mr. Usmanpurkar, learned counsel waives service of notice for respondent no.2

2. The matter be listed after service of notice is complete. In the meantime, applicant shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.

[AJIT B. KADETHANKAR, J.]