



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 CIVIL APPLICATION NO. 2454 OF 2024
IN FAST/38946/2023

SHIVAJI ANANDA THUTTE AND ANR

VERSUS

RAJU LAXMAN WAGHMARE AND ANR

...

Mr. P. S. Agrawal, Advocate for Applicants

Mr. Anand Dale h/f. Mr. S. S. Rathi, Advocate for Respondent No.2.

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 15th SEPTEMBER 2025

PER COURT :-

1. Being dissatisfied with the judgment and award dated 20.12.2021, passed by the learned Member, Motor Accident Claims Tribunal, Parbhani, in M.A.C.P. No.67 of 2018, the applicants/claimants have preferred this First Appeal.

2. There is delay of 564 days in filing the First Appeal.

3. Mr. P. S. Agrawal, learned counsel for the applicants submits that this is a case filed by bereaved parents on account of the death of their son. He further submits that due to the trauma suffered by the applicants, firstly on account of death of their son and secondly on account of the meager amount awarded, they were for some time unable to make up their

mind to contact legal adviser to file the First Appeal. After some time, they were in a position to approach an advocate and to file the present appeal. Mr. Agrawal further submits that the delay is not due to any lethargy, negligence or deliberate attempt. He further submits that the appeal consists of good grounds to demonstrate that how their entitlement is higher than that awarded.

4. Per contra, Mr. Dale holding for Mr. Rathi, learned counsel for respondent no.2 vehemently opposes the delay condonation application. He submits that the delay is an outcome of lethargy and negligence on the part of the applicants. He prays for rejection of this application.

5. Upon having heard the parties, I find that the delay is well explained by the applicants in this application. It seems that the delay is not an outcome of any lethargy, negligence or deliberate attempt on the part of the applicants. It is well settled that the right of the applicants to get adequate compensation must be considered on its own merits and technicality of delay must not come in that. I am also aware that the responding party i.e. owner and insurer must not be burdened of any monetary liability that had arisen due to such delay. Hence I pass the following order :-

ORDER

- a. Civil Application is allowed in terms of prayer clause "B".

- b. Delay of 564 days is hereby condoned.
 - c. Registry to register the appeal subject to removal of all office objections within two weeks from today.
 - d. After registration, issue notice to the respondents. Mr. Dale holding for Mr. Rathi, learned counsel waives service of notice for respondent no.2.
6. So far as objection as to the court fees is concerned, Mr. Agrawal relies upon the judgment in **Shivshankar s/o Khandu Udtewar vs. Sanjay s/o Baburao Waghmare and Ors. in Civil Revision Application No.106 of 2025 and connected matters** and prays that the objections be removed.
7. In view of the cited judgment and order, Registry to deal on the objections.
8. List the matter in the week commencing from 10th November 2025.
9. Call Record and Proceeding.

[AJIT B. KADETHANKAR, J.]