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948 CA 10360 OF 2025

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**948 CIVIL APPLICATION NO. 10360 OF 2025
IN FAST/25674/2025
WITH
CIVIL APPLICATION NO. 10361 OF 2025
IN FAST/25674/2025**

**RAOSAHEB S/O KARBHARI DHONDRE
VERSUS
SAISING @SAI S/O DHONDIRAM SONAVANE AND OTHERS**

...

Mr. Nitin Bhavar Patil, LLP Advocate And Legal Consultancy, Advocate for Applicant

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 23.09.2025

PER COURT :-

CIVIL APPLICATION NO. 10360 OF 2025 (DELAY)

1. Being aggrieved by the judgment and award dated 26.09.2024, passed by learned Member, Motor Accident Claims Tribunal, Aurangabad, in Motor Accident Claima Petition No.547 of 2022, the applicant/appellant has preferred present First Appeal.
2. This Civil Application for condonation of delay of 237 days caused in filing First Appeal.
3. Mr. Nitin Bhavar Patil, learned counsel for the applicant would

submit that without assessing the liability properly and without appreciating the evidence properly, the learned Tribunal has held the present applicant liable to compensate the claimants for an amount of Rs.11,18,750/- together with 7% interest per annum with effect from 28.09.2022. He would further submit that the learned Tribunal has passed the impugned judgment and award ex-parte to the present applicant. Mr. Nitin Bhavar Patil fairly accepts that an advocate was engaged by the present applicant/appellant, however, the applicant/appellant was not represented at all during the hearing of the claim petition. Mr. Nitin Bhavar Patil would further submit that as such, the applicant/appellant could not get a full and fair opportunity of hearing in the trial. The applicant is a sufferer of liability to compensate the original claimants for an amount of Rs.11,18,750/- together with 7% interest per annum with effect from 28.09.2022.

4. Issue notice to the respondents, returnable on 18.11.2025.

5. The matter be listed after service of notice is complete. In the meantime, applicant/appellant 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.

CIVIL APPLICATION NO. 10361 OF 2025 (STAY)

1. Being aggrieved by the judgment and award dated 26.09.2024, passed by learned Member, Motor Accident Claims Tribunal, Aurangabad, in Motor Accident Claima Petition No.547 of 2022, the applicant/appellant has preferred present First Appeal.
2. Issue notice to the respondents, returnable on 18.11.2025.
3. The matter be listed after service of notice is complete. In the meantime, applicant/appellant 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.]