

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO. 10976 OF 2024**  
**IN**  
**FIRST APPEAL (ST) NO. 28606 OF 2023**

Smt. Arati Ashok Jadhav And Ors. ... Applicants (Org. Claimants)

**Versus**

Mohan Rajaram Kadam And Anr. ... Respondents (Org. Opponents)

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*Mr. Avesh A. Ghadge i/by Akshay A. Kulkarni for the Applicant.*  
*None for the Respondent.*  
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**Coram :** **M. S. Karnik &**  
**Ajit B. Kadethankar, JJ.**

**Date : November 20, 2025.**

**Oral Order (Per Ajit B Kadethankar, J):**

1. Applicants seek condonation of delay of 113 days caused in filing First Appeal u/s 173 of the Motor Vehicles Act, 1988 (for short "**MV Act**" for the sake of convenience). Being dissatisfied with the quantum of compensation granted by the Id. Member of Motor Accident Claim Tribunal, Sangli in Motor Accident Claim Petition No. 127 of 2020 vide its Judgment and Award dated 16<sup>th</sup> March 2023, original Claimants have preferred the First Appeal for enhancement in the compensation.

2. The Applicants are the Original Claimants, while Respondents are the Original Opponents in aforesaid original Claim Proceeding.

3. Mr. Ghadge, learned Counsel for the Applicants would submit that there is delay of 113 days caused in filing the First Appeal. He submits that the delay is neither intentional nor deliberate, nor has it been caused to protract any legal proceedings. He further submits that the Applicants, being the Claimants are dissatisfied with the quantum awarded by the learned Tribunal. He also submits that valuable rights of the Claimants are involved in the Appeal, and therefore the Appeal deserves to be heard on its own merits.

4. Mr. Ghadge submits further that the Applicants have explained the reasons for condonation of the delay at paragraph no. 3 to 8 of the Interim Application. He would submit that the scheme of Section 166 of the MV Act is to compensate the victims of motor accidents with 'just and proper' compensation. He would submit that due to financial weakness and for want of knowledge of the proceedings, the claimants could not approach their Counsel earlier and delay has accordingly caused.

5. It appears that notices were served to the Respondents, and except for Respondent No. 2 who appeared in response to the notice the Respondent No. 1 has failed to appear.

He would further submit that during the Trial Court proceedings also Respondent No. 1 did not appear in Trial and the claim Petition proceeded *ex-parte* against him.

6. Mr. Ghadge, learned Counsel for the Applicants would submit that even since the matter is only on quantum of compensation, the notice to Respondent No. 1 be dispensed with, at least for the purpose of passing orders in the Interim Application.

7. We have gone through the reasons stated by the Claimants/Applicants explaining the delay caused in filing the First Appeal. Considering the detailed reasons stated by the Applicants in paragraph no. 3 to 8 of the Interim Application, we are satisfied that the Applicants have succeeded to make out a case for condonation of the delay in filing the First Appeal. We quite see that grant of 'Just and Proportionate' compensation under the benevolent scheme of the MV Act, is the statutory right of the victims of a motor vehicular accident. A First Appeal u/s 173 of the MV Act is a continuation of the proceeding u/s 166 and 163-A of the MV Act. The foremost object of this statute is to see that the claimants are rightfully awarded adequate and proportionate compensation. In our view, considering that a Third Party claim petition under the MV Act is a piece of Social Beneficial Legislation, the Appellate Forum would be slow in taking utter technical view and refuse the claimants to continue their claim for a

deserving compensation. We are also cautious to secure the interest of Owner and Insurer against unjust or unworthy liability in the event of enhancement of compensation in the First Appeal.

8. In view of this, we pass following order:

**::ORDER::**

**a]** Interim Application is allowed in terms of prayer clause (b).

**b]** The delay of 113 days caused in filing the First Appeal against the Judgment and Award dated 16<sup>th</sup> March 2023 passed by the learned Motor Accident Claim Tribunal , Sangli in Motor Accident Claim Petition No. 127 of 2020 stands condoned.

**C]** The Applicants shall not be entitled for any interest for the period of delay, in case the compensation stands enhanced.

**D]** Appeal be registered accordingly.

**[ Ajit B. Kadethankar, J. ]**

**[ M. S. Karnik, J. ]**

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ASHOKRAO  
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