

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO.3778 OF 2024
WITH CIVIL APPLICATION (CAF) NO.3779 OF 2024
IN
FIRST APPEAL (STAMP) NO.24746 OF 2024

SACHIN S/O SURESH WANVE
VERSUS
 DATTRAO S/O MADHORA LIMJE AND ANOTHER

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Mohd. Atteque, Advocate for Applicant.
 Mr. A.R. Rishi, Advocate for Respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 28th NOVEMBER 2025

1. Heard learned Advocate for the applicant.
2. This is an application for condonation of delay in filing statutory appeal under Section 173 of the Motor Vehicles Act.
3. Learned Advocate for the applicant/owner of the two wheeler vehicle, which was involved in the accident, submits that the delay of 438 days occurred on account of failure of the earlier Advocate to inform the decision of the Tribunal to the applicant.
4. Having regard to the contents of the application and submissions advanced, the delay of 438 days does not appear to be intentional and therefore, the delay needs to be condoned in the interest of justice. Hence, the application is allowed and the delay of 438 days in filing first appeal is condoned, however, subject to costs of

Rs.5,000/- (Rupees Five Thousand Only), to be paid by the applicant to the respondents, within a period of three weeks from today.

5. The civil application is accordingly disposed of.

CIVIL APPLICATION (CAF) NO.3779 OF 2024

6. This is an application for grant of stay to the Judgment and Award dated 07.07.2023, passed by the Member, Motor Accident Claims Tribunal, Nagpur, in M.A.C.P No.544 of 2019.

7. It is pointed out that the applicant/appellant is the owner of offending vehicle which was involved in the accident, in which the son of respondents has expired.

8. Although learned Advocate for the respondents opposed the application, considering the contents of the application and submissions advanced, Judgment and Award dated 07.07.2023, passed by the Member, Motor Accident Claims Tribunal, Nagpur, in M.A.C.P No.544 of 2019, is stayed subject to the applicant depositing 50% of amount of compensation along with interest till today, within a period six weeks from today.

(PRAFULLA S. KHUBALKAR, J.)

asd