



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

**25 CIVIL APPLICATION NO. 9866 OF 2024
IN FAST/24454/2024**

Santosh S/o Kaluram Magare And Anr

VERSUS

Arshad Khan S/o Asad Khan Pathan And Anr

...

Mr. Dhage Vaibhav B., Advocate for Applicant

Mr. Deshmukh Mohit R., Advocate for Respondent No.2

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 20.04.2026

PER COURT :-

1. Heard.

2. This is an application for condonation of delay of 599 days caused in filing the first appeal.

3. Learned advocate for the applicants pointed out the grounds stated in the application and submitted that the delay was not deliberately caused. He further submitted that due to financial constraints, the claimants could not file the appeal within prescribed time. He prayed to allow the application.

4. The learned Advocate for respondent No.2 strongly opposed the application and submitted that there is no sufficient reason to condone the delay. He prayed to reject the application.

5. Perused the application. For the reasons stated therein, it is justified by the fact that the applicants are poor and could not manage fund for filing the appeal. Considering the social status of the applicants and the fact that the *lis* of the claimants has to be decided on merits, as well as the law laid down by the Hon'ble Supreme Court in the case of *M. D. A. Chaudhary VS. Kartar Chand and Ors.*, *MANU/SC/0877/2025*, the application deserves to be allowed in the interest of justice as the delay is neither deliberate nor intentional. Hence, the following order:

::ORDER::

- a. Civil Application is allowed.
- b. The delay of 599 days caused in filing the first appeal is condoned.
- c. It is clarified that the applicants shall not be entitled to interest and other statutory benefits for the delayed period in case, their appeal is favourably considered.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 30.04.2026.

2. Learned Advocate Mr. M. R. Deshmukh waives service of notice for Respondent No.2/Insurance company.
3. Call Record and Proceedings.

[SANJAY A. DESHMUKH, J.]

HRJadhav