



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1030 OF 2025
IN FAST/2189/2025

Rajiya Bi Shaikh Kalim And Ors

VERSUS

Maharashtra State Road Transport Corporation, Thr. The Manager, S.
T. Depo Jalgaon And Anr

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Mr. Jain Vishwajeet Ramesh, Advocate for Applicants

Ms. Anagha Vasantrao Rotte, Advocate for Respondent no.1

CORAM : SANJAY A. DESHMUKH, J.

DATED : 22ND JANUARY, 2026

PER COURT :-

1. This is an application filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 1052 days caused for filing of the First Appeal.
2. Learned Advocate for the applicants contended that the Motor Accident Claim Petition No.370 of 2014 was filed by the claimants for compensation on account of accidental death of deceased Shaikh Kalim Shaikh Salim. The claim petition came to be dismissed on merits by the judgment and order dated 17.12.2019.
3. It is further contended that the claimants could not prefer the present appeal within the period of limitation due to their poor financial condition. Learned Advocate for the applicants submitted that the delay is neither deliberate nor intentional.

4. Learned Advocate for the applicants further submitted that if the delay is not condoned and the claimants are deprived of the opportunity to claim compensation, they will suffer irreparable loss. Claimants have hope of success in the appeal and the *lis* deserves to be heard on merits. He lastly submitted to allow the application.

5. Learned Advocate for the respondent submitted that there is no sufficient cause to condone the delay as contemplated under Section 5 of the Limitation Act, 1963. Considering the inordinate delay i.e. 1052 days, the claimants are not entitled for the compensation. Claimants are aware of the impugned judgment and award and therefore, there is no justification in allowing the present application. It is submitted to dismiss the application.

6. Perused the application and the documents filed along with the application. No doubt, there is huge delay of 1052 days in preferring the appeal. The claimants are villagers and have no knowledge of law. Considering the decision of the Hon'ble Supreme Court rendered in the matter of ***Collector, Land Acquisition Vs. Mst. Kati Ji and others***, reported in ***1987 (13) ALR 306 (SC)***, in which it is held as under:

“The legislature has conferred the power to condone the delay by enacting Section 5 of the Limitation Act of 1963 in order to enable the Courts to do substantial justice to parties by disposing of matters on “merits”. The expression “sufficient cause” employed by the

Legislature is adequately elastic to enable the Courts to apply the law in a meaningful manner which subserves the ends of justice that being the life-purpose of the existence of the institution of Courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other Courts in the hierarchy.”

7. Considering facts of this case, in the present case, this Court is of the view that the First Appeal deserves to be decided on merits, and for that purpose, an opportunity must be given to the claimants/applicants to agitate their civil rights and end the *lis* finally on merits. Considering the principle laid down by the Hon'ble Supreme Court in the matter of ***Collector, Land Acquisition (Supra)*** and as the Motor Vehicle Act, being social legislation, it would be proper to allow the application by condoning the delay in the interest of justice. However, having regard to the the poor financial condition of the applicants and the fact that their breadwinner died in the vehicular accident and they have no source of income, it would proper to not to saddle the costs on them. Hence, the following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 1052 days caused for filing of the First Appeal is condoned.
- c. Civil Application stands disposed of

FIRST APPEAL ST. NO.2189 OF 2025

1. First Appeal be registered accordingly.

(SANJAY A. DESHMUKH, J.)

Rushikesh/2025