



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAF) NO. 3991 OF 2025

IN

FIRST APPEAL ST. NO. 15401 OF 2024

PRASHANT DNYANESHWAR MUKUNDE

Vrs.

GITABAI SHRIKRUSHNA GULBHELE AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H. V. Dhage, Advocate for applicant/appellant.
Shri S. A. Dutonde, Advocate for respondent Nos.1 to 5.

CORAM: Y. G. KHOBRAGADE, J.

DATE : 17/04/2026.

1. Heard Shri H. V. Dhage, learned counsel appearing for the applicant and Shri S. A. Dutonde, learned counsel appearing for non-applicant Nos.1 to 5 at length.

2. By the present application, the applicant is seeking condonation of delay of 111 days caused while lodging the appeal against the judgment and award dated 21/12/2023 passed in MACP No.37/2015 by the learned Member, Motor Accident Claims Tribunal, Khamgaon.

3. Learned counsel appearing for the non-applicants strongly opposed the application on the ground that the applicant has not explained the delay on day to day basis and no substantial ground has been set out. However, on perusal of application, it appears that after the judgment and award passed by the learned Tribunal,

present applicant was hospitalized. Therefore, he was prevented to knock the door of this Court. It is well settled principle of law that the litigants should not be deprived of receiving substantial justice on the technical ground of delay, if the said delay is properly and sufficiently explained.

4. In the case in hand, it appears that on 24/06/2024, the applicant was hospitalized. Therefore, he could not lodge the appeal within stipulated period, which appears to be justifiable and bonafide. Hence, I am inclined to grant present application.

5. Accordingly, Civil Application (CAF) No.3991/2025 is hereby allowed. The delay of 111 days caused while lodging the appeal is hereby condoned.

6. Office to register the First Appeal and place before the Court on **30/04/2026**.

[JUDGE]