

MHRT040005552025



ORDER BELOW EXH.1 IN
MOTOR ACCIDENT CLAIM PETITION MA NO. 85/2025

Sumit Baban Nikam through Applicant
guardian Bharati Baban Nikam

Versus

Ramkrishna Krishna Sabale Opponents /
etc.2 Respondents

1. The application is u/s 5 of Limitation Act 1963 to condone the delay of 257 days. The applicant has submitted that he is born on 02-06-2008 and has preferred the application through natural guardian his mother Bharati Baban Nikam. On 23-08-2024 the applicant was proceeding with his friend Yashraj Sabale on motor cycle bearing No.MH-08-Y-3659 from Saveni to Aniware. They went to gym. While returning at about 08.30 P.M. the driver of the two wheeler Yashraj Sabale had driven the two wheeler with speed without considering the condition of the road due to which the two wheeler fell down in a Nala adjacent to road. The mile stone had hit on the left knee of the applicant which has caused serious injury to the applicant. He was treated in a hospital at Khed. He had received notice in MACP MA

No.84/2024. The applicant had informed the Court that he will prefer separate application. Due to that MACP MA No.84/2024 was disposed off. As the treatment was continued the applicant could not prefer the application in time. Therefore he has prayed to condone the delay.

2. The notice of application was issued to the Respondent. He appeared on 30-01-2026 and filed address pursis at Exh.8. However in spite of repeated opportunities the Respondent did not file say therefore no say order was passed against the Respondent on 02-04-2026.

3. Following points arise for my consideration. My answer to it is as follows-

POINTS

1. Whether the applicant has shown sufficient reason to condone the delay?
2. What order?

FINDINGS

- Yes.
- As per final order.

REASONS

AS TO POINT NO.1 AND 2

4. The application is preferred along with the affidavit. The applicant has also filed papers of treatment along with application for compensation. It must be considered that the accident took place on 23-08-2024. The FIR was lodged on 27-08-2024. It must be considered that police has filed DAR application having MACP MA

No.84/2024. Furthermore as per the applicant he could not prefer application within time as his treatment was going on.

5. As per section 166(4) of The Motor Vehicles Act, 1988 the claims tribunal shall treat any report of accidents forwarded to it under section 159 as an application for compensation under this Section. As per sub clause 3 of the said section no application for compensation shall be entertained unless it is made within six months of the occurrence of the accident. Thus sub clause 3 and sub clause 4 of section 166 shall be read together. The report of police under section 159 shall be considered as application for compensation. In this particular case the police have filed DAR application having MACP MA No.84/2024.

6. However instead of continuing in the said application the applicant had filed pursis therein that he will prefer separate application and thats why MACP MA No.84/2024 was disposed off. May it be as it is. In the light of filing of MACP MH 84/2024 within stipulated time it cannot be said that the application is preferred by the applicant out of limitation. The permission was granted by the Tribunal to prefer the separate application and therefore the delay shall be condoned to file the application for compensation.

7. The applicant has produced on record documents of medical treatment. There was serious injury caused to him. He was under treatment. Compensation for injury in a road accident is right of the applicant as per the provisions of Motor Vehicle Act 1988. It is beneficial legislation and shall be interpreted liberally in the benefit of injured person. Therefore delay upto 257 days shall be condoned. The applicant has satisfactorily explained the delay. Therefore I answer the Point No.1 in affirmative and proceed to pass following order.

ORDER

1. The application is allowed. The delay of 257 days is condoned.

2. The Superintendent of this Court is directed to register the application for compensation.

Khed.

Date :- 06.04.2026

(P.S.Chandgude)
Ex-Officio Member
M.A.C.T. Khed, Dist.
Ratnagiri.

Certificate

I affirm that, contents of this P.D.F.file Judgment / order are same, word to word, as per the original Judgment / order.

Case No.	MACP MA No.85/2025
Name of the Stenographer	Mrs.V.S.Kulkarni
Name of the Court	Ex officio Member MACT, Khed, Dist. Ratnagiri
Date of Pronouncement	06.04.2026
Judgment/Order Signed On	06.04.2026
Judgment /Order Uploaded On	06.04.2026