

MHST010024242023



MACP MA (Delay Condonation) No. 207/2023.

Pallavi Vasant Deshmane

.... Applicant

Vs.

Ahmedabad Roadlines Pvt. Ltd. & Anr.

.... Respondents

Appearances :

Learned Advocate Mr. S. V. Chavan for the applicant.

Learned Advocate Mr. V. H. Karande for the respondent No. 1.

Learned Advocate Mr. S. A. Joshi for the respondent No. 2.

ORDER BELOW EXH.1
(Delivered on 10.06.2026)

This is an application for condonation of delay of 93 days for preferring Motor Accident Claim Petition.

02. It is contended by the applicant that she has filed an injury claim for getting compensation as she sustained grievous injuries in vehicular accident dated 10.01.2023. Opponent No. 1 is owner and opponent No. 2 is an insurance company of Container bearing registration No. NL-01-AF-9688 involved in the said accident. The applicant has not filed her claim within six months because she was under treatment. The applicant required huge amount of medical expenses and there was nobody to collect required documents from Hospital and Police Station. She sustained serious abdominal injuries and she was immediately admitted at Dr. Jogalekar Hospital, Shirval, Taluka Khandala, where she was operated for removing spleen and

kidney by Dr. Jogalekar. Further, Dr. Prashant Bhandari performed surgery on hummers right side and inserted plate in her right hand. Thereafter, she collected necessary documents and approached to Advocate and filed claim petition. So, there is delay of 93 days in preferring MACP. Hence, she prayed to condone the delay.

03. Respondent No. 1 filed his say vide Exh. 22 and resisted application by contending that the contentions made in application are not supported by any document. There is no specific reason for delay stated in the application. The applicant has failed to explain the delay in petition. Hence, he prayed to reject the application with cost of Rs. 10,000/-.

04. Respondent No. 2-Godigit General Insurance Company Ltd. filed its say vide Exh. 24 and resisted application by contending that the contentions in the application are false and frivolous. The application is not maintainable. There is bar of Section 3 of Limitation Act, 1963 for filing present petition. This Court has no jurisdiction to entertain application. The reasons for causing delay are vague and not supported by facts. Hence, application be rejected.

05. Heard Mr. S. V. Chavan, learned Advocate for the applicant, Mr. V. H. Karande, learned Advocate for the respondent No. 1 and Mr. S. A. Joshi, learned Advocate for the respondent No. 2.

06. Having considered the submissions and perused record. As per contentions of applicant, accident took place on 10.01.2023,

thereafter, she was admitted in Jogalekar Hospital, Shirval and she was operated for removing spleen and kidney by Dr. Jogalekar. Further, Dr. Prashant Bhandari performed surgery on hummers right side and inserted plate in her right hand. Due to said accident she cannot collect relevant documents within limitation. It appears that this application is presented on 09.10.2023 and there is delay of 93 days delay for preferring MACP. However, the reasons appears to be justifiable. Moreover, the respondents would get an opportunity to defend the petition. Moreover, on perusal of discharge summary vide Exh.4/6, it appears that date of admission of applicant in Jogalekar Hospital, Shirval is 10.01.2023 and date of discharge is 25.01.2023. Further, there are follow up notes of Jogalekar Hospital vide Exh.4/7 and 4/8, which shows that the applicant was suffering due to injuries sustained by her.

07. The primary function of the Court is to adjudicate the matter and to advance substantive justice. It is borne in mind rules of limitation are not made to harm the valuable right of the parties. Therefore, the Court is required to adopt liberal approach in the matter of interpretation of the phrase of sufficient cause. Thus, though there is delay of 93 days on the part of applicant, it can be compensated, if some cost is imposed upon her. Hence, in the interest of justice, I proceed to pass the following order :

ORDER

- 1] MACP M. A. No. 207/2023 is allowed subject to costs of Rs. 1000/- (Rupees One Thousand Only) payable to Legal Aid, Satara.

- 2] After payment of costs Motor Accident Claim Petition filed by an applicant be registered, if no Office objection is flagged.

(Dictated and pronounced in open Court.)

Satara.

Date : 10.06.2026.

(A. S. Waghmare)

Chairman, MACT, Satara.