

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Civil Appellate Jurisdiction.**

**CIVIL APPLICATION NO. 12227 OF 2015.
IN
FIRST APPEAL (STAMP)NO.28125/2015.**

NAVNATH VITHOBA GAIKWAD DECEASED THROUGH LR'S
ARCHANA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Nandkishor J.Pahune Patil, Advocate for the Applicants.

Mr. S.M. Jadhav, Additional Government Pleader for the State of Maharashtra.

Coram : S.V. Gangapurwala, J.

Date : 1st October, 2015.

Per Court :-

Issue notice to the Respondent.

[2] The learned Additional Government Pleader waives service of notice for the Respondent.

[3] Mr. Nandkishor Patil, learned counsel for the Applicants submits that, delay of 1186 days is caused in preferring the Appeal, as original claimant was dead, therefore, proceedings could not come to the knowledge of the Applicants. The Applicants have given undertaking that in the event, if compensation is enhanced, they would not claim statutory benefits for delayed period.

[4] Considering the reasons given in the Application and bonafides shown that the Applicants would not claim statutory benefits, if enhanced compensation is granted for the delay period, Civil Application is allowed. Delay is condoned.

(S.V. GANGAPURWALA, J.)