

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

49 CIVIL APPLICATION NO. 2679 OF 2016
IN FAST/2550/2016

SK. PASHA SHAIKH MOULANA AND ANR
VERSUS
M.S.R.T.C. THR ITS DIVISIONAL CONTROLLER, NANDED

...
Advocate for Applicants : Zia Ul Mustafa
Advocate for Respondents : Reddy Ranjana D.
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CORAM : P.R. BORA, J.
DATE : 16-11-2016.

P.C. :

1. Delay of 896 days has occurred in filing the present appeal by the original claimants against the judgment and order passed by M.A.C.T. It is the contention of the applicant that, they were not having proper information as regards to time limit of appeal and they were also in financial crunch, as such, they could not file the appeal within the stipulated period of limitation. It is the further contention of the applicant that, they have raised certain important grounds in exception to the impugned award and, as such, opportunity needs to be given to the appellants to agitate their matter on merits.

2. The contentions raised by the appellants is strongly opposed by Smt. R.R.Reddy, counsel appearing for the respondent corporation. Learned counsel submits that, the reasons assigned for condonation of delay are insufficient and on such grounds the

delay cannot be condoned. In the alternative, the learned counsel submitted that, if the court is inclined to condone the delay the burden of interest may not be put on respondent corporation in the event of success of appeal and enhancement of the amount of compensation.

3. The learned counsel for the applicant has promptly submitted that, the applicants will not claim any interest in case the amount of compensation is enhanced.

4. In view of the submissions so made, I am inclined to allow the present application. The application is allowed. The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law. It is clarified that in case the amount of compensation is enhanced, as undertaken by the appellants they will not be entitled for any interest on the enhanced amount of compensation for the period of delay that is of 896 days. A copy of the present order be kept in the papers of the appeal. Civil application stands disposed of.

5. Issue notice to the respondents, Smt. R.R. Reddy waives for respondent no.1. Service complete. The matter be placed for admission on 21.12.2016. Call for record and proceedings.

(P.R. BORA)
JUDGE

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