

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

5. CA/5655/2008 In RAST/4125/2008 WITH CA/5656/2008 In
RAST/4125/2008 WITH CA/5653/2008 In FA/16/1996

KISHAN DHONDIBA CHINTE AND ANOTHER.
V/S
PRATAP DASHRATHRAO SH ELKE. AND OTHERS.

Mr. S.S. Choudhari, Advocate for applicants.

Mr. V.D. Sapkal, Advocate for respondent No. 1.

CORAM : T.V. NALAWADE, J.
DATED : 6th January, 2016.

ORDER :

1. The application is filed for condonation of delay of 46 days caused in filing review application against the judgment and order of First Appeal No. 16/1996. In the first appeal, this Court has allowed the cross objection and has directed to the present applicants to pay compensation of Rs. 1.29 lakh which includes the amount of compensation awarded under the principle of no fault.

2. The learned counsel for applicants argued on the sufficient cause and also the case on which he wants to argue in review application. It appears that there is grievance that when compensation of Rs. one lakh was claimed on the principle of fault, the compensation of Rs. 1.29 lakh is granted by this Court

on the principle of fault. There cannot be dispute as this Court is bound to grant 'just' compensation as provided under section 149 of Motor Vehicle Act. Thus, nothing can be achieved by condoning the delay and there is no arguable case in the review application. So, the delay condonation application cannot be allowed.

3. The application is rejected. Other civil applications, if any, are also disposed of.

[T.V. NALAWADE, J.]

ssc/