

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**Civil Application No.3083 of 2015  
In  
First Appeal Stamp No. 6971 of 2015**

Rukhmanbai Pratapsingh Ghushinge  
And Others.

**.. Applicants.**

**Versus**

The Divisional Manager,  
M.S.R.T.C., Aurangabad.

**.. Respondents.**

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Shri. Mohit R. Deshmukh Advocate, for applicants.

Smt. Ranjana D. Reddy, Advocate, for respondent.  
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**CORAM: T.V. NALAWADE, J.**

**DATE : 22<sup>nd</sup> JANUARY 2016**

**ORDER:**

1) The application is filed for condonation of delay of 2548 days caused in filing appeal against the judgment and award of Claim Petition No.540 of 2005 which was pending before the Claims Tribunal Aurangabad. Both the sides are heard.

2) It appears that the claim petition filed for compensation in respect of death is dismissed by the Tribunal and so the original claimants want to challenge

the decision. It is contended that the deceased was the sole bread earner of the family. There is no male member in the family of the widow of the deceased. It is contended that to earn livelihood the applicants went to Karnataka and so they had no proper advice in that regard. It is contended that the learned Advocate did not inform to them about the decision in time and for that they required some time for collecting money for expenses. In view of these contentions this Court holds that sufficient cause is shown.

3) Though the delay can be condoned but there will be question of making payment of inters in respect of the period of 2548 days if the appeal and the claim petition are allowed. In view of these circumstances, learned counsel for the claimants made statement that in case the claim petition is allowed the claimants will not claim interest in respect of these days.

4) In view of these circumstances, the application is allowed. Delay is condoned subject to condition that no interest will be payable if the appeal is allowed and the

compensation is granted in respect of the period of 2548 days.

5) List the appeal for the purpose of admission on 2<sup>nd</sup> March 2016. Call record and proceeding.

Sd/-  
**(T.V. NALAWADE, J. )**

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