

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

**CIVIL APPLICATION NO. 8912 OF 2015
IN
FIRST APPEAL STAMP NO. 13134 OF 2015**

Bhanudas Ganpatrao Ghadge
& Anr.

..... APPLICANTS

V E R S U S

Raghu Maruti Kale & Anr.

.... RESPONDENTS

.....

Mr. R.B.Deshpande, Advocate for Applicants.

Mr. S.R.Bodade, Advocate for R.No. 2.

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CORAM : T.V.NALAWADE, J.

DATE : 20th JANUARY, 2016

ORAL ORDER :-

. The application is filed for condonation of delay of 1862 days caused in filing Appeal against the Judgment and Award of M.A.C.P. No. 69/2009 which was pending before the Motor Accident Claims Tribunal, Ambajogai, district Beed. Heard learned counsel for both sides.

2. Other respondents are served but did not turn up.

3. Original claimants – parents of the deceased

want to challenge the Judgment and Award for getting enhancement in compensation. It is their contention that they are illiterate and they are from village. They did not get proper advise and so did not approach the Advocate for filing Appeal. It is contended that when they learnt that they could get more compensation than awarded, they could not take steps on the ground of their sickness. It is also contended that they had financial problem for collecting money, so they required some time.

4. Learned counsel for respondent No. 2 strongly opposed the application. He contended that prejudice would be caused to the respondent if the compensation is enhanced.

5. In view of these submissions, learned counsel for the appellant made statement and gave oral undertaking that he will not claim interest for 1862 days if the compensation is enhanced. This Court holds that subject to some conditions, the application needs to be allowed.

6. Accordingly, Civil Application is allowed. Delay is condoned subject to condition that the claimants will not be entitled to get interest for the delayed period of 1862 days.

[T.V.NALAWADE, J.]

