

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 11649 OF 2012
IN FAST/23181/2012

SHOBHABAI ASHOKKUMAR OSWAL
VERSUS
MSRTC, THR. ITS DIVISIONAL MANAGER, ABAD AND ORS

...
Advocate for Applicant : Joshi Prabhakar K.
Advocate for Respondents : Reddy Ranjana D.

...
CORAM : P.R. BORA, J.
DATE : 29-11-2016.

P.C. :

1. The learned counsel for the applicant seeks leave to delete names of respondent nos. 2, 3 and 5. Leave granted as prayed for at the risk of the applicant.

2. Delay of 431 days has occurred in filing the present appeal. It is contended that, because of lack of financial resources the appellant could not take necessary steps and file the present appeal. It is further contended that, after the death of the husband there was nobody to look after the affairs of the family except the present applicant and that is also the reason that, the appeal could not be filed within the stipulated period. The learned counsel further submitted that, in the event of success of appeal the applicant will not claim any interest of the period of delay.

3. Smt. R.D. Reddy, learned counsel appearing for the respondent-corporation has opposed for condoning the delay,

stating that the reasons assigned are insufficient. Learned counsel submitted that, N.F.L. amount was already received by the applicant and, as such, ground of financial crunch cannot sustain. She has, therefore, prayed for rejecting the application. The reasons assigned for occurrence of delay in filing the appeal cannot be outrightly rejected, reasons assigned are probable reasons. Moreover, the applicant has undertaken not to claim any interest of the period of delay in the event the amount of compensation is enhanced. I am therefore, inclined to allow the present application. Hence the following order:

ORDER

- i) The application is allowed.
- ii) The delay caused in filing the appeal is condoned.
- iii) The appeal be registered in accordance with law.
- iv) It is clarified that in the event of success of appeal the applicant will not be entitled for interest on the enhanced amount of compensation of the period of delay.
- v) A copy of the present order be kept in the papers of the appeal.

4. On registration of appeal, issue notice to the respondents, Smt. R.D. Reddy waives for respondent-corporation. Service complete.

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(P.R. BORA)
JUDGE