

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

981 CIVIL APPLICATION NO. 10973 OF 2015
IN FAST/24763/2015 WITH CA/10974/2015 IN FAST/24763/2015

ASHWINI MAHESH KALGE
VERSUS
PADMINIBAI ROHIDAS KALGE AND OTHERS

...
Advocate for Applicant : Shinde Manoj D.
AGP for Respondent 4 : Bagal Suraj R.
...

CORAM : T.V. NALAWADE, J.
DATED : 4th March, 2016.

ORDER :

1. Learned counsel Shri. Shinde submitted that respondent Nos. 3 and 5 will not be contesting the claim and As applicant wants to challenge the proportion of the compensation, only respondent No. 1 will be contesting the claim. In view of these circumstances, allowed to delete respondent Nos. 3 and 5. Amendment is to be carried out immediately.

2. Civil Application No. 10973/2015 is filed for condonation of delay of 168 days caused in filing appeal against the judgment and award of the Tribunal. One of the original claimant wants to challenge the decision in respect of the distribution, apportionment of compensation. Respondent No. 1

will only be contesting the matter. He is duly served, but he has not turned up. The learned counsel for respondent No. 4 is present. In view of the contents of the application and submissions made, this Court holds that sufficient cause is shown. Application is allowed. Delay is condoned.

3. Notice in appeal. Learned counsel Shri. Bagal waives notice for respondent No. 4. Notice to respondent Nos. 1 made returnable on 5.4.2016. Call record and proceeding.

[T.V. NALAWADE, J.]

ssc/