

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

CIVIL APPLICATION NO. 6777 OF 2014
IN
FIRST APPEAL ST NO. 1316 OF 2014

Monika Ajay Kale and others.

.. Applicants

Versus

Kisan Rama Haral and another

.. Respondents

...

Mr. D.R. Jaybhar, Advocate for the appellant
Mr. B.S. Deshmukh, Advocate for respondent no.2

...

CORAM: P. R. BORA, J.

DATE : 13TH JUNE, 2017.

Per Court :

1. Heard Shri. D.R. Jaybhar, learned Counsel appearing for the appellants/applicants and Shri. B.S. Deshmukh learned Counsel for the respondent no.2.

2. The delay of 607 days has occurred in filing the present appeal by the original claimants. By filing the present appeal, the claimants are claiming enhancement in the amount of compensation as awarded by the Tribunal. The causes for delay are explained in paragraph nos. 3 to 6 of the application. The learned Counsel for the applicants/appellants submits that, the appellants are ready to waive interest of the period of delay in the event

the present appeal is allowed and resultantly the amount of compensation is enhanced.

3. Shri. B.S. Deshmukh, learned counsel appearing for the respondent no.2 opposed for condoning the delay stating that the reasons which are assigned are insufficient to condone such huge delay.

4. In view of the fact that, the reasons are assigned by the appellants/applicants to justify the delay which has caused in filing the appeal and more particularly having regard to the fact that the appellants/applicants have fairly submitted, that they will not claim any interest of the period of delay in the event the amount of compensation is enhanced in the present appeal, though the respondent has opposed for condoning the delay, I am inclined to allow the present application. Hence, I pass the following order.

ORDER

1. The application is allowed. The delay caused in filing the appeal is condoned. Appeal be registered in accordance with law.

2. Civil Application stands disposed of.

3. It is clarified that, the appellants/applicants will not be entitled for any interest of the period of delay in the event the appeal is allowed and

resultantly the amount of compensation is enhanced on the said enhanced amount of compensation.

4. The copy of the present order be kept along with the papers of appeal.
5. On registration of the appeal, issue notice to the respondents. Mr. Deshmukh, learned counsel waives service of notice for respondent No. 2.

[P. R. BORA, J.]