

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

CIVIL APPLICATION NO. 11326 OF 2008
IN FAST/20456/2008

USHA ALIAS UJWALA RAJENDRA AND OTHERS
VERSUS
SANJAY BABULAL PATIL AND OTHERS

...
Advocate for Applicants : Mr. A. B. Kale.
Advocate for Respondent No.3 : Mr. P. P. Bafna.
...

CORAM : **V. K. JADHAV, J.**
DATE : 09th January, 2017.

ORDER:

. Heard the learned counsel for Applicants and the learned counsel for Respondent / Insurer.

2 The learned counsel for Applicants submits that Applicant No.1 is widow and Applicant Nos.2 to 4 are minors children of deceased Rajendra. Applicant Nos.5 and 6 are the aged parents.

3 The Applicants were depending upon the earnings of deceased Rajendra. The learned counsel submits that even after the award passed by the Tribunal, the Applicants could not get the amount of compensation and thus due to financial constraint, the appeal could not be filed within limitation.

4 The learned counsel for Respondent / Insurer submits that as per the admissions given by the father of deceased Rajendra, the agriculture property is owned and possessed by the joint family and another son (brother of deceased Rajendra) is looking after the agriculture business. The learned counsel submits that even the Tribunal has observed that it is a rich agriculture family and further arrived at a conclusion that there is no loss in the agriculture income as such.

5 It appears that Applicant No.1 is widow and Applicant Nos.2 to 4 are minor Applicants. The learned Member of the Tribunal has observed that deceased Rajendra was looking after the income from agriculture side actively. In view of this, after his death, the possibility cannot be ruled out that Applicants due to financial constraint, could not file the appeal within limitation.

6 In view of the above submissions and for the reasons stated in the application, I am inclined to allow the application. Hence, the following order:

ORDER

- I. Civil Application is hereby allowed in terms of prayer

clause (B).

II. Civil application is accordingly disposed of.

[V. K. JADHAV, J.]

ndm