

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.2391/2015

**911 CIVIL APPLICATION NO. 2391 OF 2015
IN FAST/29431/2014**

BALIRAM ZATINGRAO SURYAWANSHI AND ANOTHER
VERSUS
WAGHAMBAR PANDURANG MUGALE AND OTHERS

...
Advocate for Applicants : Mr. H.B.Nandgavale, h/f
Mr. Sakolkar Vijay G.
Advocate for respondent no.1: Mr. S.B.Gastgar.
Advocate for respondent no.4.: Mr.R.D.Biradar.
Advocate for respondent no.5: Mr. S.R.Bagal

...
CORAM : P.R. BORA, J.
Dated: July 11, 2017
...

PER COURT :-

1. Heard learned Counsel appearing for the applicant and learned Counsel appearing for the respondents.
2. Delay of 279 days has occurred in filing the present appeal. It is contended that the applicants are poor persons and as they have lost their son, they could not take steps within the stipulated period of limitation. Learned Counsel submitted that substantial grounds are raised in exception to the impugned award and, as such, appeal needs to be heard on merits.
3. Learned Counsel appearing for the respondents opposed for condonation of delay, stating that the reasons assigned for condonation of delay are insufficient. In the

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.2391/2015

alternative, learned Counsel submitted that if at all delay is to be condoned, the appellants shall be disentitled from claiming interest in case amount of compensation is enhanced in the appeal, for the period of delay, on the enhanced amount.

4. I find, alternative submissions made by the respondents worth considering. In view of the above, following order is passed:

ORDER

1. Delay caused in filing the appeal is condoned.
2. Appeal be registered in accordance with law.
3. It is clarified that in the event appellants succeed in the appeal, and the amount of compensation is enhanced by this Court, the appellants shall not be entitled for interest on the said enhanced amount of compensation for the period of delay i.e. of 279 days.
4. Civil Application stands disposed of.

(P.R. BORA, J.)

...

agp/-