

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

**1043 CIVIL APPLICATION NO.10218 OF 2017
IN FAST/24211/2017**

**ANJANABAI SHIVNATH BARDE AD ANR
VERSUS
SATISH GOVIND HUREJ AND ORS**

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Advocate for Applicant : Mr. Patil Shrikant S.
AGP for Respondents/State : Mr. R.B. Bagul
Advocate for Respondent No.3 : Mr. Rathi Swapnil S.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 12th JULY 2019

ORDER :

. Present application has been filed by the original claimants for getting the delay of 351 days condoned in filing First Appeal. The applicants want to challenge and claim enhancement in the compensation granted by the learned Member Motor Accident Claims Tribunal, Shahada. Respondent Nos. 1 to 4 were served. Respondent No.3 is appearing through advocate. However, he is absent. Learned AGP represents respondent No.4. He is objecting to the delay on the ground that the inordinate delay has been caused for which no proper explanation has been given. However, taking into consideration the fact that the applicants are from triable area and illiterate, liberal approach is taken and therefore, delay is hereby condoned.

2. Civil Application stands allowed and disposed of accordingly.

3. However, it is clarified that the applicants will not be entitled to get interest of 351 days in case of enhancement in the compensation at the conclusion of the First Appeal.

4. Registry to verify and register the First Appeal and place it for further consideration on 27.09.2019.

(Smt. Vibha Kankanwadi, J.)

Shubham/