

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

**955 CIVIL APPLICATION NO.12592 OF 2017
IN FAST/32285/2017**

SAVITRABAI IRWANT AGLAVE AND ORS
VERSUS
SK. ATEEQ RAHEMAN S/O ABDUL RAHEMAN AND ANR

...
Advocate for Applicants : Shri S.V. Suryawanshi
Advocate for Respondent No.2 : Shri S.R. Bodade

CORAM : P.R.BORA, J.

DATE: 6th February, 2019

PER COURT:-

1 Heard learned Counsel for the applicants and learned Counsel for respondent Insurance Company.

2 Delay of 811 days has occurred in filing the present appeal by the original claimants. It is the contention in the application that the applicants are belonging to weaker section of society and also not aware of the provisions of law. The learned Counsel submitted that substantial grounds are raised in exception to the impugned Judgment and award and the appellants - claimants are sure about getting enhancement in the amount of compensation. The learned Counsel, in the circumstances, has prayed for condoning the delay, which has occurred in filing the appeal.

3 Shri S.R.Bodade, learned Counsel for respondent Insurance Company has opposed request so made. The learned Counsel submitted that inordinate delay of more than two years has not been properly explained and as such request made by the applicants deserves to be rejected.

4 After having gone through the reasons as are assigned by the applicants – appellants, it appears that delay caused in filing the appeal deserves to be condoned. It appears to me that intentionally the appeal has not been filed late. In the circumstances, the following order is passed:-

ORDER

- I) The application is allowed.
- II) The delay caused in filing the appeal is condoned.
- III) Civil Application No.12592 of 2017 stands disposed of.
- IV) Appeal be registered in accordance with law.
- V) After registration of appeal, issue notice to the respondent, returnable on 20.03.2019. Shri S.R.Bodade, learned Counsel waives service for respondent No.2.
- VI) It is clarified that in the event of their success in appeal, the appellants shall not be entitled for the interest of the period of delay on the enhanced amount of compensation.
- VII) Copy of the present order be kept in the papers of appeal.

(P.R.BORA)
JUDGE