

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO.9117 OF 2017
IN FAST/21066/2017

SHAKUNTALA RAMESH PANSARE AND ORS
VERSUS
DNYANESHWAR NAMDEO WAKCHAURE AND ORS

Mr.V.Y. Bhide, Advocate for the applicants.
Mr.K.N. Shermale, Advocate for respondent Nos. 1 & 2.
Mr.M.K. Goyanka, Advocate for respondent No.3.

CORAM : S.M.GAVHANE, J.
DATED : 06.02.2020

P.C. :-

. The applicants-original claimants have filed this application to condone delay of 218 days, which is 199 days according to learned counsel appearing for the applicants, caused in filing appeal against judgment and award dated 19.08.2016 in MACP No.23 of 2010 passed by the Member, MACT, Sangamner, as according to the applicants, the compensation awarded is inadequate.

2. Mr.Bhide, learned counsel for the applicants, referring to the grounds mentioned in paragraph No.5 submitted that after loss of the only earning person in the family, the applicants are totally depending on the relatives and family friends for their survival. Applicant No.1-widow of deceased is facing financial

crisis, so as to meet requirements of family. Thus, after the award passed by the Tribunal, time was spent in arranging amount for court fees to file appeal for enhancement and thus according to learned counsel, the delay caused is not intentional. Therefore, same may be condoned. In paragraph No.7 of the application, the applicants have stated that in-case they succeeded in appeal, they will not claim any benefit of interest on such enhanced compensation for the period of delay caused in filing appeal. Thus, it is submitted that the delay may be condoned.

3. Learned counsel appearing for respondent Nos. 1 and 2 and learned counsel for respondent No.3 – insurance company have opposed to grant the application, but no material is placed to substantiate the objection.

4. Considering the submissions made by learned counsel appearing for the applicants and the grounds referred to above and particularly mentioned in paragraph Nos.5 and 7 of the application, I find that the applicants have shown sufficient cause to condone the delay. Same needs to be condoned in the interest of justice to decide the matter on merits. Therefore, the delay is condoned. The application is allowed in terms of prayer clause (B) on condition that the applicants

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will not claim interest on enhanced compensation for the period of delay of 218 days caused in filing appeal.

5. The appeal be registered.

[S.M.GAVHANE, J.]