

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO.4812 OF 2019
IN FAST/30836/2018

SAVITA SUKHDEV GARAD AND ORS
VERSUS
DASHASRATH SINGH SHYAM SINGH @ SARDAR SINGH AND ANR

Miss. Bhagyashree S. Kamble h/f Mr. S. B. Rajebhosale,
Advocate for the applicants

CORAM : S. M. GAVHANE, J.
DATED : 04.02.2020

PER COURT :-

. Applicants/ original claimants have filed this application to condone delay of 25 days caused in filing appeal against the judgment and award dated 01/06/2018 passed by the Member, MACT, Aurangabad in MACP No. 455 of 2015.

2. Miss. Kamble h/f Mr. Rajebhosale learned counsel appearing for the applicants referring to the grounds mentioned in paragraph Nos. 1B to H, 4 and 5 of the application submitted that deceased was only earning member of the family of the applicants. After his death applicants have spent considerable amount towards Court fees etc. Applicant No. 1 has received final

compensation on 21/09/2018. Applicant No. 4 received compensation on 28/09/2018. There was no court fees with the applicants for filing appeal for enhancement of compensation. Applicants are facing financial problems since 2015, as the main earning member of their family died. After receiving certified copy of judgment and award on 15/06/2018 some time was consumed to approach advocate in the High Court and some time was consumed for preparing appeal and other formalities and thus, delay has been caused. It is submitted that delay caused in unintentional. It is submitted that valuable rights of the applicants in respect of compensation are involved in the present appeal. Therefore, delay may be condoned to decide the matter on merits as applicants have hope of success in the appeal.

3. Nobody is present for the respondents.

4. Considering the submissions made by the learned counsel appearing for the applicants and the grounds mentioned in paragraph Nos. 1B to H, 4 and 5 of the application, I am of the view that applicants have shown sufficient cause to condone delay caused in filing the

appeal. Therefore, said delay needs to be condoned in the interest of justice. Therefore, application is allowed in terms of prayer clause (B).

5. Appeal be registered. After registering the appeal, it be placed for admission on 19/03/2020.

[S. M. GAVHANE, J.]