

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 1020 OF 2019  
IN FAST/36442/2018

ANJALI UTTAM INGALE AND ORS  
VERSUS  
TRIMBAKRAO MUNJAJI MORE AND ANR

Mr. M. P. Kale, Advocate for the applicants  
Mr. A. G. Kanade, Advocate for respondent No. 2.

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

PER COURT :-

. Applicants/original claimants have filed this application to condone delay of 1009 days caused in filing appeal aggrieved by the judgment and award dated 26/11/2015 passed by the Chairman, MACT, Parbhani in MACP No. 387 of 2010 as according to them inadequate compensation has been awarded by the Claims Tribunal.

2. Mr. Kale, learned counsel appearing for the applicants referring to the grounds mentioned in paragraph Nos. 2 and 3 of the application submitted that applicant No. 1 is widow and applicant Nos. 2 to 4 are minor children of the deceased and applicant Nos. 5 and 6 are aged parents of the deceased. Deceased was sole bread earning member of the family of the applicants and after his death there is nobody in the family to look

after the applicants. Thus, the applicants are poor and they are facing financial crisis. They were not having funds to approach this Court and only after receiving some amount in the claim petition they have decided to file the first appeal. But the delay has been caused, which is unintentional. It is also submitted that in the year 2016, there were problems due to demonetization. So also, applicant Nos. 5 and 6 were not keeping well and some amount was required to be spent on their treatment. It is also submitted that applicants were unaware about the court proceedings. Thus, it is submitted that delay may be condoned by allowing the application.

3. Respondent No. 1 though served with the notice, nobody appears for him.

4. Learned counsel for respondent No. 2 opposed to grant the application on the grounds that applicants have not shown sufficient cause to condone the delay. It is submitted that in case delay is condoned applicants are not entitled to claim interest on the amount of compensation if enhanced in the appeal by this Court. Thus, the learned counsel claimed to reject the application.

5. Considering the submissions made by the learned counsel appearing for the applicants and the grounds referred to above, I am of the view that applicants have shown sufficient cause to condone the delay in the light of decisions of the Apex Court in the case of Collector, Land Acquisition, Anantnag Vs. Ms. Katiji and others reported in AIR 1987 SC 1353 and in the case of Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others reported in (2013) 12 Supreme Court Cases 649 and therefore, delay caused in filing appeal needs to be condoned in the interest of justice to substnatial justice and to decide the matter on merits on some costs payable to respondent No. 2. Therefore, following order is passed.

#### ORDER

- i. Application is allowed in terms of prayer clause (B) subject to costs of Rs.1,000/- (Rupees One Thousand) payable by the applicants to respondent No. 2 within two weeks from today.
- ii. After paying costs as above or depositing the same in the Court appeal be registered.

iii. After registering the appeal, it be placed for admission on 18/02/2020.

**[ S. M. GAVHANE, J. ]**

ssp/Feb.20/ca1020.19