

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

**CIVIL APPLICATION NO. 1179 OF 2019
IN
FIRST APPEAL (ST) NO. 359 OF 2019**

Tulsabai Kisanrao Warkad and Another ..APPLICANTS

VERSUS

Kamlesh Kantaprasad Jaiswal and Another ..RESPONDENTS

....

Mr. Gaikwad, Advocate h/f Mr. G.J. Karne, Advocate for applicants

Mr. H.V. Patil, Advocate for respondent no.1

Mr. S.S. Patil, Advocates for respondent no.2

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CORAM : R.G. AVACHAT, J.

DATED : 22nd OCTOBER, 2021

PER COURT :

1. Heard.

2. This is an application for condonation of delay in preferring the appeal for enhancement of compensation granted on account of death in vehicular accident. The claim has been partly allowed. There is no appeal either by the owner of the vehicle involved in the accident or insurer thereto. Interest of the respondents can be taken care of by observing that the applicants/appellants shall not be entitled for interest, if any, for the delayed period of 2055 days on the amount of compensation that may be enhanced if appeal is allowed.

3. In the fitness of things, the application is allowed in terms of prayer clause (B).

(R.G. AVACHAT, J.)

SSD