

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

**CIVIL APPLICATION NO. 9027 OF 2009
IN/AND
FIRST APPEAL (ST) NO. 22566 OF 1997**

Shaikh Nizam Hussain and Others ..APPLICANTS/APPELLANTS

VERSUS

Jeelanikhan Sikandar Pathan and Others ..RESPONDENTS

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Smt. Anjali Dube, Advocate for applicants/appellants
Mr. M.M. Ambhore, Advocate for respondent no.3
Mr. S.P. Chapalgaonkar, Advocate for respondent no.5

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**CORAM : R.G. AVACHAT, J.
DATED : 04th DECEMBER, 2021**

PER COURT :

1. Heard.
2. The appeal preferred by the applicants for enhancement of compensation granted on account of death in vehicular accident came to be refused for registration. Present application has been moved for setting aside the said order.
3. For the reasons given in the application, same is allowed in terms of prayer clause (B), provided the applicants shall not be entitled for component of interest for the delayed period of 2157 days in preferring the appeal.

4. List the appeal for final hearing at admission stage on 05th January, 2022. Since the appeal is filed for enhancement of compensation and the respondent – insurance company has not preferred an appeal or cross objection, the appeal could be decided in the absence of owners and drivers of the vehicles involved in the accident.

(R.G. AVACHAT, J.)

SSD