

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO.12678 OF 2009
IN/WITH FAST/25758/2009

LAXMIBAI VITHAL CHAVAN AND ORS
VERSUS
R D GAIKWAD AND ORS

.....
Advocate for Applicants : Mr. M.S. Karad h/f Mr. S.S. Thombre
Advocate for Respondent No.2 : Mr. S V Kulkarni
.....

CORAM : V. K. JADHAV, J.
DATED : 31st AUGUST, 2021

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel appearing for respondent No.2 insurer.
2. The applicants are original claimants. Though the Tribunal has allowed the claim to certain extent, however, has not granted interest on the awarded amount. Thus, the applicants-original claimants have preferred appeal to the extent of interest. There is delay of 206 days caused in preferring an appeal. The applicant No.1 is widow and applicant Nos. 2, 3 and 4 are her children. They are agriculturists by occupation. It appears that due to financial constraints, they could not prefer appeal within limitation.
3. Learned counsel appearing for the respondent insurer submits that the delay is not explained satisfactorily and the application is

thus liable to be rejected. However, considering that the applicants are agriculturists by occupation and due to financial constraints, they could not prefer appeal within limitation, I am inclined to condone the delay which is 206 days.

4. In view of above and for the reasons stated in the application, the application is allowed in terms of prayer clause "B" and disposed of.

5. List the first appeal on 01.09.2021.

(V. K. JADHAV, J.)

rlj/