

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

927 CIVIL APPLICATION NO.1783 OF 2018
IN FAST/2296/2018

SAHERA BEGUM MALIK W/O RABIUL HAQ MALIK AND ORS
VERSUS

M.S.R.T.C., THR ITS DIV. CONTROLLER, NANDED

...

Advocate for Applicants Mr. D. M. Mane h/for Pathan Hamzakhan I.

Advocate for Respondent : Mr. Wange Anand D.

CORAM : Y. G. KHOBRAGADE, J.

DATE : 15TH NOVEMBER, 2022

ORDER:

1. Heard Mr. Mane, the learned counsel appearing for the applicants and Mr. Wange, learned counsel for the respondent at length.
2. The applicants have filed the present application and prayed for condonation of delay of 371 days caused in filing appeal against judgment and award dated 24.09.2016 in MACP No. 385 of 2012 passed by the learned Member, MACT, Nanded.
3. The applicants contended that they had been to West Bengal to meet their relatives due to some exigencies and therefore they could not file appeal within limitation. Though the respondent strongly raised objection for condonation of delay, however, nothing has been pointed out how its right has been prejudiced.

4. It is trite that, litigant should not be suffered for receiving substantial justice on technical ground and the court should be liberal while condoning the delay, if proper and substantial explanation is given for condonation of delay. Therefore, in the interest of justice it would be just and proper to condone the delay caused in filing the appeal. However, since the applicants claim for enhancement of compensation and there is delay in filing the appeal, the applicants will not be entitled for the interest and statutory benefits for the delayed period. Accordingly, I proceed to pass the following order:-

ORDER

- i. Civil application is hereby allowed
- ii. The delay of 371 days caused in filing appeal is hereby condoned. The applicants will not be entitled for interest and statutory benefits for the delayed period.
- iii. Registry of this office is directed to register the appeal and place before this Court for further action.
- iv. Copy of the order be placed in appeal so that at the time of final argument, it can be referred.

(Y. G. KHOBRAGADE, J.)

JPChavan