

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

922 CIVIL APPLICATION NO.6697 OF 2018
IN FAST/10243/2018

SURYAKANT @ SHRIKANT S/O KARBHARI GAYAKE AND ANR
VERSUS
REVANSIDDAPPA S/O LAXMAN AND ORS

Mr S.A. Gaikwad, Advocate for applicants
Ms Sayali Tekale Advocate h/f Mr S.G. Chapalgaonkar, Advocate for respondent
no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicants.
2. Heard Mr S.A. Gaikwad, learned Advocate for applicants and Ms. Sayali Tekale holding for Mr S.G. Chapalgaonkar, learned Advocate for respondent no.3/Insurance Company on the point of condonation of delay. None present for respondents no.1, 2 and 4 when the matter is called out, though duly served.
3. Ms Tekale learned Advocate for respondent no.3 opposed to condone the delay. She submits that if delay is condoned, the applicants/claimants shall not claim the interest for the delayed period. Mr Gaikwad, learned Advocate for claimants submits that the original claimants are the villagers. They received the amount of compensation in December 2017 and thereafter, they preferred this appeal with application for condonation of delay. There is no intentional delay on the part of appellants to prefer the appeal. The appeal is preferred by the original claimants for enhancement of amount of compensation on account of death of their son in a motor vehicular accident.
4. Having regard to the reasons assigned in the application for condonation of delay in paragraphs 8 and 9 and looking to the nature of dispute, it is necessary

to condone the delay. However, the claimants shall not be entitled to get interest for the delayed period.

ORDER

- (i) The Civil Application is hereby allowed in terms of prayer clause (B).
- (ii) The applicants/claimants shall furnish undertaking to the satisfaction of Registrar (Judicial) of this Court stating that they would not claim interest in respect of delayed period which is condoned today.
- (iii) After furnishing such undertaking, the Registry to make scrutiny of the appeal and thereafter it be numbered and placed before the Court for admission.
- (iv) The Civil Application is disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)

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