

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

948 CIVIL APPLICATION NO.989 OF 2021
IN FAST/13561/2020

RANJITA SUBHASH GAVIT AND ORS
VERSUS
VIJAY SOMA MARNAR AND ORS

Mr P.C. Mayure, Advocate for applicants
Mr Suresh D. Kamble, Advocate for respondents no.1 and 2 - absent
Mr Abhijit Choudhari, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. Heard Mr P.C. Mayure, learned Advocate for applicants and Mr Abhijit Choudhari, learned Advocate for respondent no.3. Mr Suresh Kamble, learned Advocate for respondent no.1 and 2 remained absent when the matter is called out.
2. There is delay of 199 days in preferring the appeal. Mr Abhijit Choudhari, learned Advocate for respondent no.3 opposed to condone the delay. He submits that no sufficient reasons are assigned in the application for condonation of delay.
3. Mr Mayure, learned Advocate for applicants submits that the applicants have assigned sufficient reasons in the application for condonation of delay in paragraphs 3 to 5.
4. Perused the affidavit-in-reply filed on behalf of respondents no.1 and 2 whereby they have opposed to allow this application.
5. For the reasons stated in the application in paragraphs 3 to 5 and looking to the nature of dispute arising out of accident claim, delay needs to be condoned. However, claimants shall not be entitled for statutory benefits and interest in respect of delayed period by way of equity.

ORDER

- (i) The Civil Application is allowed in terms of prayer clause (B).
- (ii) The applicants/claimants shall furnish undertaking with the Registrar (Judicial) of this Court stating that they would not claim interest in respect of delayed period of 199 days, which is condoned today.
- (iii) After furnishing such undertaking, the Registry to make scrutiny of the appeal as per procedure and thereafter it be numbered and placed before the Court for admission.
- (iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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