

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

**904 CIVIL APPLICATION NO.11048 OF 2015
IN FAST/24903/2015**

**JYOTI AMBADAS NIKAM AND OTHERS
VERSUS
VIJAY MHATARJI GAIKWAD AND ANOTHER**

...
Advocate for Applicants : Mr. Pande Shashikant R.
Advocate for Respondent No. 2 : Ms.Reddy Ranjana D.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 10.11.2022

PER COURT :

The learned counsel for the applicants -claimants submits that respondent No.1 driver was exparte in the learned Trial Court, and therefore, he is not necessary party since the appeal is filed only for enhancement of compensation. He submits that the name of respondent No.1 be deleted. In view of the submission, the name of respondent No. 1 is deleted at the risk of the applicants – appellants.

2. Deletion be carried out forthwith.

3. Heard rival submissions. The applicants are seeking condonation of delay of 248 days which appears to be caused due to

their poor financial condition. The learned counsel for the respondent No. 2 -MSRTC strongly opposed the application on the ground that the delay is not properly explained. However considering the statutory right of the applicants, the delay of 248 days stands condoned subject to condition that the applicants shall not claim any interest for the aforesaid period of delay.

4. The matter be placed for admission after removal of office objections, if any.

5. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-