

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

CIVIL APPLICATION NO.12575 OF 2014 IN FAST/32037/2014

**MOHINI MOHANRAO SALUNKE AND OTHERS
VERSUS
RAMDAS HANUMANT JADHAV AND OTHERS**

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Mr. R.B. Deshpande, Advocate for the Applicants
Mr. S.G. Rudrawar, Advocate for Respondent Nos. 1 to 3
Mr. H.A. Patankar, Advocate for Respondent No.4

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 21st FEBRUARY, 2022

PER COURT:-

1. It is an application for condonation of delay moved by the applicants / original claimants. There seems to be delay of 371 days in preferring the first appeal.

2. Heard. Mr. R.B. Deshpande, learned counsel for the applicants, Mr. S.G. Rudrawal, learned counsel for respondent nos. 1 to 3. Mr. H.A. Patankar, learned counsel for respondent no.4 / insurance company.

3. Mr. Deshpande, learned counsel for the applicants submits that the claimants could get the amount of their respective share of

compensation in the 2nd week of April 2014 and after receiving the amount of compensation, they have preferred this appeal. The delay was not intentional, but due to financial difficulties the applicants could not prefer the appeal within time.

4. Mr. Rudrawar and Mr. Patankar, learned counsel for the respective respondents strongly opposed to condone the delay. Both of them submitted that no sufficient reasons are assigned by the applicants to condone the delay. The application for condonation of delay needs to be dismissed.

5. On going through the application for condonation of delay, more particularly para nos. 3 to 5, it is evident that the claimants could get compensation of their share in the 2nd week of April 2014 and after getting the funds they seem to have preferred the appeal in the month of May 2014. They could not prefer the appeal within time due to financial difficulties.

6. Having regard to the nature of appeal, it is necessary to condone the delay in view of the reasons assigned in the application by the applicants / original claimants.

ORDER

- (i) The application for condonation of delay is hereby allowed in terms of prayer clause (B).
- (ii) The applicants / original claimants shall not be entitled to get statutory benefits as well as the amount of interest for the delayed period.
- (iii) Registry to make scrutiny of the appeal and register the same as per due procedure, and thereafter, it be placed before the concerned Court for admission.
- (iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane