



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.4097 OF 2023
IN FAST/4822/2023
WITH
CA/4098/2023 IN FAST/4822/2023**

THE DIVISIONAL CONTROLLER
VERSUS
KALYAN S/O SHIVAJI KALE AND OTHERS

...
Advocate for Applicant : Mr. Anand Dnyanoba Wange
Advocate for Respondent Nos.1 to 4 : Mr. S. S. Dargad
...

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 28th NOVEMBER, 2023

PER COURT :

1. It appears that when the judgment was pronounced by the learned Tribunal, respondent no.5 was already dead. No steps were taken by the original claimants to bring the LR's. on record.
2. Under said circumstance, there is no necessity to bring his LR's on record, so also, no compensation was granted to him, matter to proceed further.
3. Present application has been filed for condoning the delay of 76 days caused in filing First Appeal. For the reasons stated in the application and taking liberal view, the delay stands condoned. The application stands allowed and disposed of.

4. Registry to verify and register the appeal.

5. It is also submitted on behalf of respondent nos.1 to 4, who are represented through learned Advocate Mr. S. S. Dargad that they have filed appeal for enhancement.

6. Under said circumstance, the said appeal bearing First Appeal No.4092 of 2022 be tagged along with the appeal to be numbered.

7. In view of the fact that, the entire decretal amount has been deposited, the stay granted earlier for the execution of the impugned award stands confirmed till the disposal of the appeal.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)