

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

**11 CIVIL APPLICATION NO.4035 OF 2020
IN FAST/27891/2019**

**SHAKUNTALA BHAGWAN SAVANT AND OTHERS
VERSUS
MD. IMRAN MD. HARUN AND ANOTHER**

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Advocate for Applicants : Mr. Kiran M. Nagarkar
AGP for Respondents :
Advocate for Respondent No.2 : Mr. Anand Dale h/f.
Mr. Swapnil S. Rathi

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CORAM : KISHORE C. SANT, J.

DATE : 17.10.2023

PER COURT :

1. Heard the parties.
2. This application is for condonation of delay that is caused in filing the First Appeal challenging the judgment and award passed by the learned Member, M.A.C.T., Nanded in M.A.C.P. No. 386/2013. The appeal is filed for enhancement as the learned M.A.C.T., Nanded has not allowed the claim in its entirety. The applicants are the parents and sisters of deceased, who died in an accident. It is the case of the applicants that now only applicant Nos. 1, 3, 4 are there, who all are ladies, applicant No. 4 was minor at the time of filing the proceeding and they were not aware of the remedy of appeal for enhancement. It is for that reason, delay is caused. The learned Advocate submits that

for the reasons recorded in the application, the application deserves to be allowed.

3. Learned Advocate Mr. Rathi vehemently opposes the application. He submits that in this case if the delay is condoned, it be clarified that the applicants shall not be entitled to receive interest for the period of delay on the enhanced amount in case the appeal is allowed.

4. Considering the above submissions and considering the fact that the applicants are all ladies, this Court finds that sufficient case is made out to condone the delay. The delay of 107 days is condoned. The application is allowed. The applicants however, would not be entitled to receive interest on the enhanced amount of compensation, if any enhancement is granted by this Court in appeal.

5. Hence, this application is accordingly disposed off.

(KISHORE C. SANT)
JUDGE

shp/-