

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1283 OF 2019
IN
FIRST APPEAL (ST) NO.7544 OF 2019

Smt.Smita Dayanand Sawant & Ors. ...Applicants

Versus

Shri.Mahesh Janu Thakur & Anr.Respondents

Ms.Sneha G. Sanap, for the Applicants.

Mr.Amol Gatne, for Respondent No.2.

CORAM : S.G. DIGE, J.

DATE : 21 FEBRUARY 2023

P.C:-

. Heard the learned counsel for the Applicants and learned counsel for Respondent No.2.

2. The learned counsel for the Applicants submit that the Applicants are the Original Claimants. The Tribunal has awarded compensation on lower side. The Tribunal has not considered the evidence led by the Applicants. Hence the Applicants have filed the Appeal for enhancement of compensation.

3. The learned counsel further submit that the Applicants are from rural area of Nashik District and are having weak financial condition. They were not aware about the procedure for filing the Appeal for enhancement, hence delay is caused, for filing the Appeal which may be condoned.

4. The learned counsel strongly objected to allow the Application on the ground that there is more than 2 years delay for filing the Appeal. No proper explanation is given for caused the delay. Not aware about the filing procedure of the Appeal and weak financial condition cannot be a ground for condonation of delay. Hence requested to dismiss the Application.

5. I have heard both learned counsel.

6. The Applicants are the original Claimants. The husband of the Applicant No.1 is died in the accident. It is contention of the Applicants that the Tribunal has awarded compensation on lower side. Hence, they have filed this Appeal for enhancement. There is delay of more than 2 years of filing the Appeal. The Applicants have give reason for delay that there are from rural area and their financial condition is weak. The reasons given by the Applicant for condonation of delay is not sufficient but there is death of Applicant's No.1 husband they are saying that the compensation awarded by the Tribunal is on

lower side and if the Appellants are directed to waive the interest. If they succeed in the Appeal for delayed period it would meets ends of justice. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The delay of 2 years and 265 days for filing the Appeal is condoned.
- (iii) The Applicant shall waive the interest in case they succeed in the Appeal for delayed period on she file undertaking in that regard.
- (iv) The Appeal be registered.

(S.G. DIGE, J.)