

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION NO.3314 OF 2019**

**IN**

**FIRST APPEAL (ST.) NO.4481 OF 2019**

(Geetabai wd/o Vasant Wanjari and ors. Vs. Sachin s/o Chiranji Mohore and anr.)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Ms R. Mankar, Advocate h/f Shri P.S. Mirache, Advocate for the  
appellants.

Shri G.I. Dipwani, Advocate for respondent No.2.

**CORAM:- URMILA JOSHI-PHALKE, J.**

**DATED :- MARCH 21, 2023.**

Heard.

2. Present application is filed for condonation of delay of 342 days which is caused in preferring the appeal for enhancement of compensation.

3. It is submitted by the claimants that claimant No.1 is widow and claimant Nos.2 to 4 are the children. Their sole bread earner died in the accident and they were suffering from financial crisis. Therefore, they could not file the appeal within time.

4. Said application is strongly opposed by the learned Counsel Shri Dipwani on the ground that the delay is not properly explained.

5. Heard both the sides. Perused the application.

6. It reveals that the appellants have lost their earning member of the family, and therefore, they were facing financial crisis. It is well settled that when the condonation of delay application is filed, the liberal

approach is to be taken to do the substantial justice. However, considering the delay, Insurance company cannot be saddled with the responsibility to pay the interest for the delayed period.

7. In view of that the application is allowed subject to the waiver of the interest for the delayed period by the claimants, if claimants succeeds in the appeal.

8. Civil application is disposed of.

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Heard.

2. Appeal be registered.

3. Issue notice to respondents

4. Shri Dipwani, learned Counsel waives notice for respondent No.2.

5. Call for R. & P.

6. The appeal can be disposed of at the admission stage.

7. Place the matter for final hearing after receipt of R. & P.

**(URMILA JOSHI-PHALKE, J.)**

*\*Divya*