

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.4475 OF 2019

IN
FIRST APPEAL STAMP NO.7602 OF 2019

Rukhminabai wd/o Niwasrao Gutte and others

Vs.

Hiraman Bhaurao Charkhod and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Shreya Bhagat, Advocate h/f Mr. P. R. Agrawal, Advocate for appellants.
Mr. A. M. Kukday, Advocate for respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/04/2023

1. Present application is for condonation of delay in preferring the appeal against the Judgment and Award passed by the Motor Accident Claims Tribunal, Mangrulpir.
2. The appeal is filed by the claimants for the enhancement of the compensation. As per contention of the claimants that due to the financial constraints the appeal could not be filed within time. The appellants have lost their bread earner and, therefore, they could not manage the amount to pay the court fee and, therefore, delay of 494 days is caused in preferring the appeal.
3. The said application is strongly opposed by the learned Advocate Mr. Kukday appearing for the respondent No.3. None appears for respondent Nos.1

and 2.

4. Learned Advocate Mr. Kukday for the respondent No.3 submitted that delay is not properly explained. Alternatively, he submitted that if this Court comes to the conclusion that delay is to be condoned, interest for the delayed period is to be waived. Admittedly, the claimants have filed appeal for enhancement of the compensation under the beneficial legislation. They cannot be deprived from litigating the cause on technical reasons. However, considering the delay application deserves to be allowed, subject to the waiver of the interest for the delayed period.

5. In view of that civil application is disposed of. Delayed is condoned.

6. Appeal be registered.

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1. Heard.

2. **Admit.**

3. Learned Advocate Mr. Kukday, waives notice for respondent No.3.

4. Call for record and proceedings.

5. Appellants to file paper book within eight weeks, after receipt of the record and proceedings.

6. Appeal be placed before the Court after filing of the paper book, its verification.

(URMILA JOSHI-PHALKE, J.)