

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

CIVIL APPLICATION (CAF) NO.757/2019 IN FIRST APPEAL
ST. NO. 17393/2016

Smt. Jayashri Wd/o. Santosh Kodape And Others

Vs

Mohit S/O Babanrao Hivarkar And Othersr

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

Court's or Judge's Order

Ms Aashtha Sharma, counsel h/f Mr P.R. Agrawal, counsel for applicants/appellants.

Mr Vishwarupe, counsel h/f Mr R.R. Vyas, counsel for respondent No.2.

Mr G.I. Dipwani, counsel for the respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 15/03/2023.

1. Heard.
2. This is an application for enhancement of the compensation amount.
3. As per the contention of the learned counsel for the applicants that the applicant No.1 was only attending the proceedings and the parents of the deceased are at the advance age.
4. The applicants were not aware about the legal proceedings and therefore, they could not approach to the counsel. The further ground raised is that the alleged member of the family lost his life in the alleged accident. As the applicants have no source of income, they could not arrange money to deposit the Court fee and therefore, the delay is caused.

5. The said application is strongly opposed by the learned counsel for the respondent No.3, Mr G.I. Dipwani on the ground that there is no sufficient and reasonable ground for condoning the delay.

6. In view of the reasons mentioned in the application and considering the appellants are claiming enhanced compensation under the provisions of beneficial legislation. Merely, because they were facing for paucity of fund, they cannot be deprived from filing the appeal for enhancement of the compensation.

7. In view of the reasons mentioned in the application, delay is condoned. Subject to the waiver of the interest for 173 days, if the appellant succeeds in the appeal.

8. For the reasons stated in the application, delay of 173 days in filing the application is condoned. Hence, civil application (CAF) No. 757/2019 is disposed of.

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1. Appeal be registered
2. **Admit.**
3. Call for record and proceedings.
4. Private paper book is dispensed with.
5. Place the matter for final hearing after record and proceedings is received.

JUDGE