



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

57 CIVIL APPLICATION NO. 7613 OF 2016  
IN FAST/14850/2016

Rajubai Balu Jaybhaye & others

....Applicants

VERSUS

Parkash Chandrakant Kharath & others

.....Respondents

.....

Mr. S. R. Shirsat, Advocate for Applicants

Mr. G. D. Jain, Advocate for respondent No. 2

Mr. A. S. Deshpande, Advocate for respondent No. 3.

**CORAM : R. M. JOSHI, J.**

DATE : 12<sup>th</sup> FEBRUARY, 2024.

PER COURT :

1. This application is for condonation of delay of 174 days in filing first appeal against judgment and award dated 21<sup>st</sup> July, 2015 passed in MACP No. 85/2012.

2. It is the contention of applicants that owing to the poor financial condition, appeal could not be preferred in time. Only after making arrangement for payment of Court fees and professional fees etc. appeal is sought to be filed.

3. Learned counsels for respondents No. 2 and 3 opposed the application on the ground that delay is not satisfactorily explained.

4. There is obligation on the Court to decide just compensation in motor accident cases. There is nothing on record to indicate malafides in not preferring the appeal in time. In any case, nothing would have been gained by the applicants by not preferring the appeal in time. Hence, application is allowed in terms of prayer clause 'B'.

**( R. M. JOSHI )**  
**Judge**

dyb

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FIRST APPEAL ST NO. 14850 OF 2016

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....Appellants

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PER COURT :

1. Appeal be registered.

2. Learned counsel Mr. Jain waives service of notice on behalf of respondent No. 2. Learned counsel Mr. Deshpande waives service of notice on behalf of respondent No. 3. In view of the fact that respondent No. 1 is served by paper publication, no fresh notice to respondent No. 1.

**( R. M. JOSHI )**  
**Judge**

dyb