



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 1292 OF 2023
IN X-APLST/22631/2022
WITH FIRST APPEAL NO. 1825 OF 2019**

**WITH CIVIL APPLICATION NO. 7023 OF 2019
IN FA/1825/2019**

**YASMIN YUNUS PATHAN AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY, AURANGABAD AND OTHERS**

Ms. Pallavi P. Wangikar, Advocate h/f Mr. R. V. Gore, Advocate for the applicants
Mr. M. M. Ambhore, Advocate for respondent No.1.

**CORAM : R. M. JOSHI, J.
DATE : 25th JANUARY, 2024**

P.C. :-

1. This application filed for condonation of delay of 1235 days in filing cross appeal against the judgment and award dated 21/12/2018 passed in MACP No. 489/2015.
2. The applicants are original respondents in First Appeal No. 1825/2019 and they were expected to file cross appeal within one month of receipt of the summons of this Court.
3. Learned counsel for the applicants submits that initially owing to

the financial difficulties no cross appeal could be filed and only after receipt of amounts being permitted to be withdrawn by this Court the funds could be arranged. It is also claimed that owing to the Covid-19 Pandemic situation no further steps could be taken thereafter.

4. Considering the fact that the cross appeal is filed for enhancement of the compensation and keeping in mind the obligation on the part of the Court to grant just compensation and since no malafides can be attributed the applicants in not preferring cross appeal in time the application deserves to be allowed. Hence application is allowed in terms of prayer clause 'B'. The applicants if succeed in the cross appeal would not be entitled for any interest the period of 1 to 3-5 days.

(R. M. JOSHI, J.)

ssp