



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

**CIVIL APPLICATION NO. 464 OF 2017  
IN FAST/35056/2016**

**SUBHASH RAJDHAR PATIL AND ORS  
VERSUS  
GAUTAM CHAMPALAL LUNAWAT AND ANR**

Mr. M. M. Bhokarikar, Advocate for the applicants (Through VC)  
Mr. A. S. Usmanpurkar, Advocate for respondent No.2.

**CORAM : R. M. JOSHI, J.  
DATE : 25<sup>th</sup> JANUARY, 2024**

**P.C. :-**

1. This application is for condonation of delay of 504 days in preferring the appeal against the judgment and award dated 02/04/2015 passed in MACP No. 488/2009.
2. It is the contention of the applicants that for want of knowledge of passing of the judgment impugned, the appeal could not be preferred in time.
3. Learned counsel for the contesting respondent opposed the condonation of delay on the ground of insufficient reason therefor.
4. This appeal is arising out of death claim. In this case no malafides can be attributed to the applicants for not preferring the appeal in time. Hence, application is allowed in terms of prayer clause 'B'. Appeal be

registered. If the appellant succeed in the appeal, they will not be entitled to seek any interest for the aforesaid period.

**(R. M. JOSHI, J.)**

ssp