



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1908 OF 2024
IN FAST/30678/2023

SAVITA HEMRAJ MORE AND ORS.

VERSUS

DIPESH PRADIP PATIL AND ORS.

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Adv. Sandesh R. Patil, Advocate For Applicants

Adv. Sant Tapan Kishor, Advocate For Respondent No. 1 And 2

Adv. Deshmukh Mohit R., Advocate For Respondent Nos. 3, 4 And 5

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CORAM : ROHIT W. JOSHI, J.

DATED : 18th MARCH, 2025

PER COURT :

1. The present application is filed seeking condonation of delay of 354 days in filing appeal under Section 173 of the Motor Vehicles Act. The appellants are dependents of the deceased Hemraj More. Having regard to the fact that a family member of the appellants who was the sole bread winner has expired, I am inclined to condone the delay despite serious opposition by the learned advocate for respondent No. 3. However, having regard to the delay caused, the appellants are directed to pay cost of Rs. 5000/- to the respondent No. 3.

2. Learned counsel for the respondent No. 3 also submits that the appellant should not be entitled for interest on the enhanced amount of compensation, for the period of delay, in the event this Court is inclined to enhance the compensation.

3. Having regard to the reasons mentioned in the application, particularly the statement that the deceased was the sole bread earner, I find that it will be too harsh to impose such condition upon the appellants. In view of the aforesaid, the request for waiver of interest for the period of delay is rejected.

FIRST APPEAL STAMP NO. 30678 OF 2024 :

. On the joint request of the parties of, place the matter before the next scheduled Lok Adalat.

**[ROHIT W. JOSHI]
JUDGE**

KS_Kamble/