

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

931 CIVIL APPLICATION NO. 423 OF 2023
IN FAST/33946/2022

Kokilabai Bharat Thate And Others
VERSUS
Vijay Ananda Joshi And Another

...
Mr. Madhav M. Bhokarika - Advocate for Applicant
Mr. S. S. Sarda h/f Mr. Mohit R. Deshmukh – Advocate for Respondent
No. 2
...

CORAM : NEERAJ P. DHOTE, J.
DATED : 19TH MARCH 2025

PER COURT : -

1. This is an Application for condonation of 163 days delay caused in filing the Appeal against the Judgment and Award passed by the learned Tribunal under the Motor Vehicles Act.

2. Learned Advocate for the Applicants submits that sufficient reasons are shown in the Application for not approaching this Court within a stipulated period. He submits that the Application be allowed.

3. None appears for Respondent No. 1. When this application was listed on 12th March, 2025, it was made clear that appropriate orders would be passed if none appears for Respondent No. 1 on the next date.

4. Learned Advocate for Respondent No. 1 opposes the Application. He submits that no sufficient reasons are given in the

Application for condonation of delay. He further submits that, in the event the Application is allowed, the Applicant would not be entitled for the interest for the aid delayed period.

5. Heard both sides. Perused the Application.

6. The Appeal is against Death Claim. It was preferred by the Applicants against the death of Bharat, who was the husband of Applicant No. 1 and father of Applicant Nos. 2 to 5.

7. For the reasons mentioned in the Application, the Applicant is allowed in terms of prayer clause 'b' subject to condition that the Applicants shall not be entitled for the interest for the delayed period. Application stands disposed of.

[NEERAJ P. DHOTE]
JUDGE