



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5449 OF 2024  
IN FAST/38604/2023

SUNITA TRIMBAK SANAP AND ANR.  
VERSUS  
AVINASH SUBHASH KADAM AND ANR.

...  
Adv. Vaibhav B. Dhage, Advocate For Applicants  
Adv. Aniruddha S. Usmanpurkar, Advocate For Respondent No. 2  
...

CORAM : ROHIT W. JOSHI, J.  
DATED : 18<sup>th</sup> MARCH, 2025

PER COURT :

CIVIL APPLICATION NO. 5449 OF 2024 :

1. There is a delay of 561 days in filing appeal under Section 173 of the Motor Vehicles Act. The appellants are original claimants. The husband of applicant No. 1 and father of applicant No. 2 has expired. The applicants are seeking enhancement of amount of compensation.
2. The learned counsel for the applicant submits that appeal could not be filed within the prescribed period of limitation due to serious financial constraints. The learned counsel for the applicant submits that in order to balance the equities the applicants are ready to forego interest on the enhanced amount of compensation, if any.
3. In that view of the matter, although the application is strongly opposed by the learned counsel for respondent No. 2, I am inclined to

condone the delay, subject to condition that in the event the appeal is allowed, the applicants/appellants will not be entitled to interest for the period of delay.

**FIRST APPEAL STAMP NO. 38604 OF 2023 :**

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

**[ROHIT W. JOSHI]  
JUDGE**

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