

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 9189 of 2024

in

FIRST APPEAL STAMP NO. 11661 of 2024

Mrudul Parag Joshi and ors.

... Appellants

versus

Managing Director, PMPML.

.... Respondent

Mr. Yogesh Pande, Advocate for the Applicants/Appellants.

Mr. C. M. Lokesh, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th JANUARY, 2025.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for the respondent.

2. By this application, the applicant is seeking condonation of delay of 2 years and 270 days for filing the appeal. Learned counsel for the applicants submitted that the appeal is filed by the claimants against the dismissal of the claim petition. The claimants are illiterate. Due to lack of knowledge, they could not prefer appeal within the stipulated time. If the application is not allowed, they will be deprived from getting justice. Hence, requested to allow the application.

3. Learned counsel for the respondent-Corporation strongly objected to allow the application on the ground that there is delay of more

than two years. The delay is not properly explained. The order passed by the Tribunal is legal and valid. Hence, requested to reject the application.

4. I have heard both learned counsel. The claim petition filed by the applicants/claimants is dismissed by the Tribunal. There is death of the karta of the family of the claimants. Whether the claimants are entitled for compensation or not is a part of hearing. The claimants are uneducated, due to lack of knowledge, they could not prefer appeal within the stipulated time. The application can be allowed if the interest for the delayed period is waived in case the applicants/claimants succeed in the appeal.

5. In view of above, I pass the following order:

1. The application is allowed. The delay of 2 years 270 days for filing the appeal is condoned.
2. If the applicants succeed in the appeal, they are not entitled for interest for the delayed period.

The appeal be registered.

(SHIVKUMAR DIGE, J.)