

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 5588 OF 2014 IN
FIRST APPEAL (ST.) NO. 14884 OF 2014**

The Oriental Insurance Co. Ltd. .. Applicant

VERSUS

Devidas Jagannath Chavan and ors. .. Respondents

Mr. A.S. Deshpande, Advocate for the applicant
Mr. V.B. Patil, Advocate for the respondent no.1
Mr. A.I. Deshmukh, Advocate for respondent nos.2 and 3

CORAM : M.T. JOSHI, J.

DATE : 21/01/2015

ORAL ORDER :

1. Heard both sides.
2. Delay of 26 days in filing the present appeal is sought to be condoned by the applicant on the ground that certain time was taken for taking decision regarding filing of the appeal at different levels.
3. Mr. V.B. Patil submits that the application is not bonafide. In the application for stay to the execution of the impugned award, this Court has time and again directed the appellant-applicant to deposit the entire amount under the award, however, the same was not

complied by the present appellant. He further submits that now when in the execution proceedings, the warrant is issued, the present application is being pressed.

4. Considering all the material on record, in my view, sufficient reason is made out. In the circumstances, the delay in filing the appeal is hereby condoned on the condition that the appellant/applicant deposits the entire amount under the award together with the up-to-date interest in this Court within a period of four weeks from the date of this order.

5. Upon failure to deposit the amount within the prescribed period, the present application shall stand dismissed without any further reference to this Court.

6. Civil Application accordingly stands disposed of.

[M.T. JOSHI]
JUDGE

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