

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.3173 OF 2015**  
**IN**  
**FIRST APPEAL st. NO.22053 OF 2015**

Raosaheb Ashruba Andhale

... Applicant

Vs.

Nirguna Yadav Munde

... Respondent

Mr.K.K. Holambe Patil for the Applicant

Mr.Prasad Kulkarni i/b P.D. Patil for Respondent Nos.1 to 6

Mr.D.S. Joshi i/b Sandeep Jinsiwale for Resp. No.8

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **18<sup>th</sup> FEBRUARY, 2016**

**P.C.:**

1. Civil Application No.3173 of 2015 is filed for condonation of delay of 326 days in filing the appeal. The appeal is filed by the owner of the vehicle. By judgment and award dated 13.6.2014, the appellant/owner of the vehicle is held responsible for the payment and the order of pay and recover is passed against the insurance company.

2. The appellant is a farmer and residing at Pimpla from Beed District and so, he could not file the appeal within time at Mumbai. Hence, the delay is not deliberate and is to be condoned.

3. The learned Counsel for the insurance company as also the learned Counsel for other respondents opposed the application. The learned

Counsel for the appellant insurance company submits that pursuant to the said judgment and award, the insurance company has deposited the entire decretal amount and therefore the owner did not take further steps.

4. In view of the submissions of the learned Counsel and for the reasons stated in the application, the delay is condoned, subject to payment of costs of Rs.1,500/- to the original claimants within three weeks. Appeal be registered.

5. Civil Application is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**