

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1037 CIVIL APPLICATION NO. 1768 OF 2017
IN FAST/643/2017

PARBHABAI YESHWANTRAO BORD AND ANR
VERSUS
NEW INDIA ASSURANCE COMPAN LTD THR ITS DIVISIONAL
MANAGER AURANGABAD AND ORS

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Advocate for Applicants : Mr. Jadhav Dipak S.
Advocate for Respondent No.1 : Mr. S.R. Bodade
Advocate for Respondent No.2 : Mr. H.A. Bajaj h/f Mr. A.S. Bajaj

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CORAM : V. K. JADHAV, J.
DATED : 23rd JUNE, 2017

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for respondent Nos. 1 and 2.
2. Learned counsel for the applicants submits that the applicant No.1 is widowed mother and suffering from old aged diseases and she also undergone the surgery. To that effect, the learned counsel has produced on record the discharge card.
3. Learned counsel for the respondent-driver has also strongly resisted the application on the ground that the present applicants are not original claimants before the Tribunal and applicant No.1 is widowed mother and applicant No.2 is sister of deceased, who met

with an accidental death. Learned counsel submits that the Tribunal has allowed entire claim and as such, there is no reason to prefer appeal.

4. In view of above submissions and considering the fact that the applicant No.1 is widowed mother and entirely dependent upon the income of her deceased son, delay of 325 days caused in filing first appeal is hereby condoned. Civil application is allowed and disposed of accordingly.

5. In first appeal, heard. Notice to the respondents, returnable on 07.08.2017.

6. Respective learned counsel waives notice for respondent No.1 insurer and respondent No.2. Call for record and proceedings.

(V. K. JADHAV, J.)

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