

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO. 1986 OF 2016
IN FAST/2245/2016

NARENDRA VIKAS SAPKALE
VERSUS
JAGDEESH TULSHIRAM AGRAWAL AND ANR

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Advocate for Applicant : Mr. Bhokrikar Mahadeo M.
Mr. Deshpande Dhananjay P. Adv For Resp 2.

CORAM : P.R.BORA, J.

DATE : 8th June, 2017.

PER COURT :

1) Heard. Delay of 376 days has occurred in filing the present appeal by the original claimant. It is the contention of the applicant that since he has incurred disability because of the injury caused in the accident, he could not take steps in filing the appeal within the stipulated period of limitation.

2) Shri Deshpande, learned Counsel appearing for Respondent No.2, has opposed for condoning the delay, stating that even if the application, as it is accepted, no cause is made

out for condonation of delay. In the alternative, learned Counsel submitted that if at all the Court is inclined to condone the delay, the appellant be not made entitled for any interest in the case of enhancement in the amount of compensation for the period of delay.

3) Considering the submissions so made by the parties, I deem it appropriate to pass the following order, -

ORDER

- i) The application is allowed;
- ii) The delay caused in filing the appeal is condoned;
- iii) The appeal be registered in accordance with law.
- iv) It is clarified that the appellant will not be entitled for any interest, if he succeeds in the appeal and the amount of compensation is enhanced, on the enhanced amount of compensation for the period of delay;
- v) A copy of this order be placed in the

papers of the appeal;

vi) On registration of the appeal, issue notice to the respondents, returnable on 20th July, 2017. Shri Deshpande waives service for Respondent No.2;

vii) It be indicated in the notice that endeavour will be made to dispose of the appeal finally at the stage of admission.

viii) Call R and P.

(P.R.BORA,J.)

bdv/