

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Civil Application No.1747 of 2017
In
First Appeal No.1005 of 2008**

National Insurance Co. Ltd.
Through its Division Office
Aurangabad.

.. Applicant.

Versus

Raja s/o Kishanrao Tayade
And Others.

.. Respondents.

Shri. Sudhir V. Kulkarni, Advocate, for applicant.

Shri. A.S. Bajaj, Advocate, for respondent Nos.1 to 3.

CORAM: T.V. NALAWADE, J.

DATE : 6 FEBRUARY 2017

ORDER:

1) The application is filed for making correction in the oral judgment and order of First Appeal No.1005 of 2008 in the case of Raja Kishanrao Tayade & Others vs. Anilkumar Babulal Kasliwal and others. Both the sides are heard.

2) The applicant, Insurance Company, has the grievance that when in Civil Application No.4679 of 2004 filed for condonation of delay in filing the appeal this Court had made it clear that the interest will not be payable on the enhanced amount of compensation, in the oral judgment this Court has directed the Insurance Company to pay interest from the date of the petition till the date of realisation.

3) It appears that the other Hon'ble Judge has made order on delay condonation application as follows :

"3. For the reasons given in the application, the application is allowed. The delay is condoned. However, the delay is condoned on the condition that the applicants shall not be entitled to claim interest on the enhanced amount of compensation, if enhanced in the appeal, since the respondents are not at fault for the delay."

4) It can be said that the order to some extent was not clear. If the parties are coming late to Court, the liability to pay interest in respect of that period cannot be imposed on the other side. In view of these circumstances this Court holds that the interest on the enhanced

compensation will be payable from the date of filing of Civil Application No.4679/2004 by the original claimants in this Court which was filed for condonation of delay caused in filing first appeal. The oral judgment and order is to be read accordingly. The application is disposed of.

Sd/-
(T.V. NALAWADE, J.)

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