

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

1026 CIVIL APPLICATION NO. 9544 OF 2015
IN FAST/19263/2015

WITH
CA/9545/2015 IN FAST/19263/2015

MAHADEV BHASMA GAIKWAD
VERSUS
THE ORIENTAL INSURANCE CO.LTD. AND ANOTHER

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Advocate for Applicant : Mrs Doke Kishor R
Advocate for Respondents : Totala Rameshwar F. For R/1

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CORAM : V.K. JADHAV, J.
Dated: July 21, 2017

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PER COURT :-

1. Learned counsel for the applicant submits that the applicant is not able to understand english language and though award is passed on 19.5.2014, counsel appearing for the applicant before the Tribunal has not properly communicated the judgment and award passed by the Tribunal. The counsel for the applicant has further informed to the applicant that order came to be passed in his favour and insurance company is held liable to pay the compensation. Thus, the applicant has not preferred any appeal within time, but only after receiving the notice of execution came to know that the tribunal has passed the judgment and award against him by exonerating the insurance company.

2. Learned counsel appearing for respondent insurer has strongly resisted the application on the ground that delay has not been explained satisfactorily.

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3. In view of the submissions made on behalf of the applicant and for the reasons stated in the application, I do not think that delay is intentional one. The applicant is prevented from sufficient cause to prefer an appeal within limitation.

4. In view of the above, civil application is allowed. Delay of 324 days caused in filing the appeal is hereby condoned. Civil application accordingly disposed of.

5. In appeal and stay application, issue notice to the respondents returnable on 15.9.2017. Learned counsel waives notice for respondent no.1. Call record and proceeding.

(V.K. JADHAV, J.)

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