

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

**33 CIVIL APPLICATION NO. 1461 OF 2015
IN FAST/12921/2014**

BHARTIBEHN MADHUBHAI SHAH
VERSUS
DEEPA BELANI W/O.R.C. BELANI DIED THRO. L.RS.
RAMCHANDRA C. BELANI AND ORS.

WITH

**34 CIVIL APPLICATION NO. 1462 OF 2015
IN FAST/12919/2014**

KIRANBHAI TEJPAL SHAH
VERSUS
DEEPA BELANI DIED THR. L.RS. RAMCHANDRA C. BELANI
AND OTHERS

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Advocate for Applicants : Mr. Barlota S. Ambar
Advocate for Respondent No.2 : Mr. Atul B. Gatne
Advocate for Respondent No.4 : Mr. S.G.
Chapalgaonkar

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**CORAM : P.R. BORA, J.
DATED : 03rd SEPTEMBER, 2018.**

PER COURT:-

1. Heard Shri Barlota, learned counsel for the applicants and Shri Atul B. Gatne appearing for respondent no.2-The National Insurance Company Limited and Shri S.G. Chapalgaonkar appearing for respondent no.4.

2. In filing these appeals, the delay of 1165 days has occurred. The reasons for delay are

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explained in para-3 of each of the application. The learned counsel submitted that the delay is unintentional and for bonafide reasons. The learned counsel further submitted that the applicants will not claim the interest of the period of delay, in the event of success of their appeals.

3. The learned counsel appearing for the respondent no.2- The National Insurance Company Limited has opposed for condoning the delay stating that the reasons that are assigned are insufficient to condone the delay. However after having considered the submissions, I deem it appropriate to pass the following order:

ORDER

- (i) The Civil Applications are allowed.
- (ii) The delay caused in filing the appeals is condoned.
- (iii) It is clarified that in the event of success of appeals, appellants in both the appeals shall not be entitled for any interest of the period of delay on the enhanced amount of

(3)

compensation.

(iv) Both the civil applications are disposed of.

(v) Copy of the present order be kept in the papers of first appeals.

(P.R. BORA, J.)

Mujaheed//