

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

**935 CIVIL APPLICATION NO. 11658 OF 2018
IN FAST/15408/2018**

VIKRAM BHIVAJI SARODE @ VIKKI BHIV SARWADE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY, AURANGABAD AND ANR

**WITH
CIVIL APPLICATION NO. 7347/2018
IN FAST/15408/2018**

THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY, AURANGABAD AND ANR
VERSUS
VIKKI BHIV SARWADE

...
Advocate for Applicant/original claimant : Shri Pramod C. Mayure
Advocate for Respondent No.1/Insurance Company :
Shri M.R. Deshmukh

...
CORAM : P.R.BORA, J.

DATE: 19th September, 2018

PER COURT:-

1 When the present matter is taken up for hearing, it is noticed that respondent No.2 is not yet served. The remark shows that respondent No.2 could not be served for want of time.

2 It is brought to my notice by the learned Counsel appearing for the Insurance Company that the impugned award is challenged by the appellant Insurance Company in the present appeal only to the extent of quantum of compensation. If this be

so, the service of respondent No.2 may not be necessary. I, therefore, exempt the service for respondent No.2.

3 The original claimant is already served and the learned Counsel Shri P.C.Mayure has caused appearance on his behalf. The learned Counsel for the claimant was fair enough in submitting that delay be condoned and appeal be taken up for hearing.

4 The learned Counsel appearing for the appellant Insurance Company promptly shows his readiness to argue the matter finally immediately after the record is received.

5 In view of the submissions so made, the delay of 92 days caused in filing the appeal is condoned. Hence, the following order:

ORDER

- I) Civil application No.7347 of 2018 is allowed and disposed of.
- II) Appeal be registered in accordance with law.

III) As noted herein above, since the challenge is only to the extent of quantum of compensation, issue notice to the respondent No.1 i.e. original claimant. Shri P.C.Mayure, learned Counsel waives service for respondent No.1. Service complete.

IV) List the appeal for final disposal on 08.10.2018.

V) Call Record and Proceeding.

VI) Civil Application No.11658 of 2018 for withdrawal of amount shall be considered alongwith the appeal.

(P.R.BORA)
JUDGE

SPT