

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

913 CIVIL APPLICATION NO.13890 OF 2017
IN FA/1267/2015

CHHAYA DILEEP SONAWANE AND ANR
VERSUS
UJAGARSINGH SUNDARSINGH AND ORS

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Advocate for Appellants : Mr.Bhokarikar Madhav M.
Advocate for Respondent No. 2 : Mr.A B Gatne
Advocate for Respondent Nos 3 & 4 : Mr.Vijay B Patil

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CORAM : SUNIL K.KOTWAL, J.

DATE : OCTOBER 9, 2018

O R D E R :

This application is for condonation of delay of 1320 days in filing this application for restoration of First Appeal against the order of dismissal against respondent no.1.

2. Learned counsel for respondent No. 2 has objected this application on the ground that no reasonable cause has been assigned for condonation of the delay.

3. This application is pertaining to the order

passed in motor accident claim for compensation. Considering the nature of the litigation, it is desirable to award a fair opportunity to the original claimants who are the appellants. Therefore, the delay of 1320 days is condoned subject to condition that applicants shall not claim interest for enhanced compensation, if it is enhanced for the period of delay.

4. First Appeal is restored against respondent No. 1 by setting aside the order of dismissal.

5. Serve the notice on respondent no. 1 by alternative mode i.e. by publishing it in widely circulated News Paper in the vernacular at the area of village Tatiband, Raipur city (Chattisgad State).

6. Appellants shall file copy of the News Paper of the Public Notice, published against respondent no. 1 within the period of three months.

7. Civil application is disposed of.
8. Copy of this order be kept in First Appeal.
9. Stand over to 3.1.2019.

[SUNIL K.KOTWAL, J.]

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