

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

**934 CIVIL APPLICATION NO. 12353 OF 2018
IN X-APLST/24301/2018 WITH CA/4110/2016 IN
FA/1319/2016 WITH CA/12354/2018 IN X-
APLST/24301/2018**

PRATAP NARAYAN CHAVAN

..Applicant

VERSUS

THE BAJAJ ALLIANZ GENERAL INSURANCE
CO. LTD. THR LEGAL EXECUTIVE AND ANR

..Respondents

...

WITH

**935 CIVIL APPLICATION NO. 12355 OF 2018
IN X-APLST/20083/2018 WITH CA/4109/2016 IN
FA/1320/2016 WITH CA/12357/2018 IN X-
APLST/20083/2018**

SURESH NARAYAN CHAVAN

..Applicant

VERSUS

THE BAJAJ ALLIANZ GENERAL INSURANCE
CO. LTD. THR LEGAL EXECUTIVE AND ANR

.. Respondents

...

Shri M.M. Bhokarikar, Advocate for Applicant;
Shri S.G. Chapalgaonkar, Advocate for Respondent No.1.

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CORAM : P.R. BORA, J.

Dated: October 05, 2018

PER COURT :

1. Heard Shri Bhokarikar the learned Counsel
appearing for the applicants i.e. original claimants and
Shri Chapalgaonkar the learned Counsel appearing for
Respondent No.1 - Insurance Company.

2. The Insurance Company has filed these two appeals challenging the Awards passed by the Tribunal in the respective matters. The original claimants in those matters have filed the present cross objections and since delay ranging between 779 to 833 days has occurred in filing the cross objections, the present applications are filed seeking condonation of delay.

3. Shri Chapalgaonkar the learned Counsel appearing for the Insurance Company submitted that, there may not be any difficulty in condoning the delay, which has occurred in filing the cross objections, however the claimants shall be disentitled for claiming any interest for the period of delay in the event of their success in cross objections. Shri Bhokarikar has opposed for such submission stating that, since the appeal filed by the Insurance Company is admitted and is pending for hearing, the claimants cannot be disentitled for claiming any interest in the event of their success in their cross objections.

4. Leaving open the objection as has been raised as about the entitlement of the claimants in the event of their

success in cross objections, the delay is condoned. The cross objections be registered and be kept for hearing along with the appeals. Civil Applications for condonation of delay stand disposed of.

5. In view of the fact that, the Insurance Company has deposited the entire amount of compensation, the interim order passed on 31.03.2016 is made absolute. Civil Applications for stay stand disposed of.

6. Civil Application Nos.12354 of 2018 & 12357 of 2018 be considered along with the First Appeals.

7. Stand over after two weeks.

(**PR. BORA, J.**)

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