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

**948 CIVIL APPLICATION NO. 2612 OF 2017
IN FAST/39150/2016**

SHRI. CHETAN VINAYAK PATIL

VERSUS

SHRI. RAMESH MAHADEVRAO PORJE AND ORS

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Advocate for Applicant : Mr. Bhokarikar Madhav M
Advocate for Respondent No.3 : Mr. A.B. Kadethankar

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CORAM : P.R. BORA, J.

DATED : 19th OCTOBER, 2018.

PER COURT:-

. Heard Shri Bhokarikar, the learned counsel appearing for the applicant and Shri Kadethankar, the learned counsel appearing for the insurance company.

2. The delay of 457 days has occurred in filing the appeal. For the reasons as are stated in the application cannot be outrightly rejected and the opportunity needs to be given to the applicant to prosecute the appeal on merits. He, however, cannot be made entitled for the interest for the period of delay in the event of his success in the appeal. Hence, the following order:

ORDER

i) The application is allowed.

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- ii) The delay of 457 days caused in filing the appeal is condoned. The appeal be registered in accordance with law.
- iii) It is clarified that in the event of success in appeal, the applicant shall not be entitled for the interest for the period of delay on the enhanced amount of compensation.
- iv) The Civil Application stands disposed of.

(P.R. BORA, J.)

Mujaheed//