

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

**15 CIVIL APPLICATION NO.12812 OF 2013
IN FAST/25707/2013**

**SHAIKH GAFFAR SHAIKH GANI
VERSUS
SHAIKH SHAHEED SHAIKH SHAFIQ AND OTHERS**

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**Adv.Rathi Swapnil S. For R/4
Quadri Syed Zameer A.S.Z.A. For R/1&2**

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**CORAM : MANGESH S. PATIL, J.
DATE : 04.11.2019**

PC. :-

The appellant is impugning the judgment and order passed by the Chairman, Motor Accident Claims Tribunal to the extent of quantum of compensation awarded to him in a proceeding under Section 166 of the Motor Vehicles Act and also apparently because the Insurance Company has been exonerated on the ground that he was travelling in a goods vehicle and there was breach of the terms and conditions of the insurance policy. The application has been preferred for condoning delay of 55 days.

2] The learned advocate for the respondent no.4 opposes the application.

3] The learned A.G.P. submits that there is a serious dispute as regards the entitlement of the appellant to the interest, since the application is pending in

this Court since the year 2013 and that point may be kept open.

4] Considering the nature of the dispute and for the reasons mentioned in the application, the delay is condoned. The application is disposed of. The question as to if the applicant is entitled to claim interest for the period of delay is kept open.

[MANGESH S. PATIL, J.]

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