

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

**913 CIVIL APPLICATION NO.12577 OF 2017
IN FAST/31651/2017**

WITH

CA/3190/2019 IN FAST/31651/2017

**M/S SHRIRAM GENERAL INSURANCE COMPANY LTD.,
THR ITS BRANCH MANAGER, AURANGABAD
VERSUS
VIMAL DATTATRAYA KHILE AND ORS**

...

Advocate for Applicant : Shri S.G. Chapalgaonkar
Shri G.P. Darandale, Advocate, h/f. Shri D.R. Markad,
Advocate for Respondents No.1 to 3

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CORAM : P.R. BORA, J.
Dated: February 27, 2019

PER COURT :-

1. In view of the fact that the appeal is filed only on the issue of quantum and the claimants are served with the notice and have caused their appearance in the matter, it does not appear to me that, the service on owner is mandatory. The service to the owner of the offending vehicle is, thus, exempted. Service complete.

2. Delay of 570 days has occurred in filing the appeal. The reasons are explained in para-3 to 6 in the application. Though the learned Counsel for the respondents i.e. original claimants has opposed for condoning the delay, for the reasons stated in the application, which according to me are just and sufficient, the delay

is condoned. The appeal be registered in accordance with law. Civil Application for condonation of delay stands disposed of.

3. After registration of the appeal, issue notice to the respondents. Learned Counsel Shri G.P. Darandale waives notice for respondents no.1 to 3 i.e. original claimants. Service to other respondent is exempted. Service complete.

4. List the appeal for final disposal at the admission stage on 05.03.2019.

(PR. BORA, J.)

ggp