

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

24 CIVIL APPLICATION NO.776 OF 2016
IN FAST/37502/2015

JABEEN BEGUM RAUF KHAN AND OTHERS
VERSUS
MOHD. SHAFI MOHD. BURHAN BAGWAN AND OTHERS

...

Advocate for Applicants : Zia Ul Mustafa
Advocate for Respondent No.2 :Mr. V.R. Mundada

...

CORAM : P.R.BORA, J.

DATE: 21st January, 2019

PER COURT:-

1 Heard Mr. Quadri, learned counsel appearing for the applicants-appellants and Mr. V.R. Mundada, learned counsel appearing for the respondent No.2 Insurance Company.

2 Delay of 432 days has occurred in filing the present appeal by the appellant-applicants. It is the contention of the applicant that she was not aware as about the provisions under the Limitation Act and more particularly she was not having any financial sources so as to file the appeal in time.

3 Learned counsel appearing for the respondent Insurance Company has opposed for condoning the delay, stating that the reasons which are assigned, are insufficient to condone the huge delay of 432 days. Learned counsel further submitted that, if at all the Court inclines to allow the application, the burden of payment of interest for the period of delay shall not be saddled on the

respondent No.2 insurance Company.

3 In view of the submissions, I deem it appropriate to pass following order:-

ORDER

- (I) Application is allowed.
- (II) The delay caused in filing the appeal is condoned.
- (III) It is clarified that in the event of success in appeal, the appellants – claimants shall not be entitled for the interest for the period of delay on the enhanced amount of compensation.
- (IV) Copy of the present order be placed along with the papers of Appeal.
- (V) After registration of the appeal, issue notice to the respondents returnable on 4.3.2019.
- (VI) Learned counsel Mr. V.R. Mundada waives notice for respondent No.2 Insurance Company.
- (VII) Stand over to 4.3.2019.

(P.R.BORA)
JUDGE

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