

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO.88 OF 2013
IN FAST/31237/2012

BHIKARI KASHIRAM LOKHANDE
VERSUS
THE NATIONAL INSURANCE CO. LTD THR DIVISIONAL MANAGER AND
ANR

Mr.M.M. Bhokarikar, Advocate for the applicant.
Mr.S.R. Bodade, Advocate for respondent No.1.

CORAM : V.L.ACHLIYA,J.
DATED : 08.12.2020

P.C. :-

01. The applicant has moved this application seeking condonation of 822 days delay in filing appeal.

02. Heard learned counsel for the applicant and learned counsel representing respondent No.1-insurance company. Respondent No.2 though served through paper publication is absent.

03. In brief, it is contention of learned counsel for the applicant that the delay caused in filing the appeal was due to poor financial condition of the applicant. The applicant has suffered 30% permanent disability. Compensation of Rs.40,000/- has been awarded as against claim of Rs.2 lakhs claimed in the petition.

It is submitted that the applicant has good case to succeed in appeal. In-case, delay is not condoned, a meritorious matter may be rejected for technical reason.

04. On the other hand, learned Counsel Mr. Bodade for respondent No.1 opposed the application with contention that no sufficient cause has been assigned to condone the delay. The cause assigned is false and concocted.

05. On due consideration of the submissions advanced, in the light of overall facts of the case and uncontroverted pleadings in the application, I am of the view that the delay deserves to be condoned. In-case, the delay is not condoned, a meritorious matter may be rejected for technical reason. Hence, I am inclined to pass following order.

- i) Application is allowed in terms of prayer clause (B), subject to condition that the applicant shall not be entitled for interest for the period for which the delay has been caused in filing the appeal.
- ii) Appeal be registered.

[V.L.ACHLIYA,J.]