

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

902 CIVIL APPLICATION NO.2701 OF 2018
IN FAST/5686/2018 WITH CA/2702/2018 IN FAST/5686/2018

GURUPRITSINGH S/O PYARASINGH GILL
VERSUS
DEVANAND ASHOKRAO SONULE AND ANR

...
Advocate for Applicant : Mr. Ghatol Patil Shahaji B.
Advocate for R/1 : Mr. G.G. Suryawanshi
Advocate for R/2 : Mr. M.M. Ambhore
...

CORAM : M.G. SEWLIKAR, J.
DATE : 10.02.2021

PC.:-

Heard Shri Ghatol Patil learned counsel for the applicant, Shri Ambhore learned counsel for the respondent no.2-insurance company and Shri G.G. Suryawanshi. Delay of more than three years is committed in preferring the appeal on the specious ground that he was not aware of the passing of the award against him. He came to know only after receipt of notice of execution. Learned counsel Shri Suryawanshi submitted that the applicant remained absent before the Tribunal and therefore the proceedings were conducted *ex parte* against him. He submitted that there is no sufficient cause for condonation of delay. Learned counsel Shri Ambhore has submitted that he has opposed the application for condonation of delay on the same

ground. Learned counsel Shri Suryawanshi submitted that if at all the Court comes to the conclusion that delay needs to be condoned, it should be condoned only on depositing entire amount of compensation and with costs.

2. Admittedly, applicant was absent before the Tribunal. Having regard to this, I am inclined to condone the delay subject to payment of heavy cost and depositing of entire amount of compensation. In view of this, delay is condoned subject to payment of cost of Rs.15,000/- and the amount of entire compensation within a period of six weeks failing which the application shall stand dismissed. Learned counsel Shri Ghatol Patil submits that he has deposited some amount of compensation as statutory deposit. The amount of compensation to be paid will be the total amount of compensation with accrued interest deducting the statutory deposit.

[M.G. SEWLIKAR, J.]