

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

945 CIVIL APPLICATION NO.7592 OF 2008  
IN FAST/13099/2008 WITH CA/4125/2016 IN FAST/13099/2008

PARIGABAI MAHADEO SAKE  
VERSUS  
KESHAVLAL MOTILAL SHARMA AND ANR

...

Advocate for Applicant : Mr. Amol S. Gandhi  
Advocate for Respondent No.2 : Mr. V. N. Upadhye

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**CORAM : SANDIPKUMAR C. MORE, J.  
DATED : 13/12/2022.**

***P. C. :***

1. Heard rival submissions.
2. The applicant is seeking condonation of delay of 106 days in filing this application for setting aside dismissal order dated 08/02/2013 against respondent No.1.
3. The record shows that even after the aforesaid dismissal order against respondent No.1, this court had permitted the applicant to serve respondent No.1 through paper publication. But despite receiving the draft of paper notice, the applicant failed to publish the same. The learned counsel for the applicant is ready to issue paper publication notice in respect of respondent No.1.
4. The learned counsel for the insurance company strongly opposed the application on the ground that since beginning the applicant is negligent. He also prayed for stoppage of interest for such delayed period, if in case the compensation is enhanced.
5. However, the delay application in the main appeal is yet to be decided on merits and the learned counsel for the insurance

company can renew his request as mentioned above at the relevant time.

6. At present, considering the statutory right of the applicant, the application stands allowed in terms of prayer clause – B & C. Application is accordingly disposed of.

( SANDIPKUMAR C. MORE, J. )