

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

**CIVIL APPLICATION NO. 5548 OF 2021 IN
FIRST APPEAL ST. NO. 14982 OF 2021**

Popat s/o Narayanrao Pol & another

Applicants

Versus

Omkumar s/o Dhananjay Dahalke
and others

Respondents

Mr. Subhash Chillarge, advocate for the Applicants

Mr. Amol Gandhi, advocate holding for Mr. Pratap Mandlik,
advocate for Respondent No.1.

Mr. Vikas Kodale, advocate holding for Mr. Ganesh P. Shinde, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE J.

DATE : 15th September, 2022.

PC :

Heard rival submissions.

The applicants are seeking condonation of delay of 347 days, which appears to be caused since applicant no.1 was busy in his duty as a police constable.

The learned Counsel for Respondent No.1 – driver and learned Counsel Mr. Kodale, holding for Mr. Ganesh Shinde, advocate for Respondent No.2, strongly opposed the application on the ground that the delay is not properly explained. Respondent No.3- Insurance Company, though served, but failed to appear.

However, considering the statutory right of the applicants and for the reasons mentioned in the application, delay of 347 days stands condoned subject to the condition that the applicants shall not claim any interest for the aforesaid period of delay.

The appeal be placed for admission after removal of office objections, if any.

Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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