

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

5 CIVIL APPLICATION NO.10453 OF 2011
IN FAST/17262/2011

GOROBA BAPURAO KAMBLE AND ANR
VERSUS
AVINASH NIVRATIRAO GURMULWAD AND ORS

Mr P.K. Lakhotiya, Advocate for applicants
Mr D.R. Adhav Advocate h/f Mr A.G. Kanade, Advocate for respondent
no.2/Insurance Company
Mr R.R. Chandole, Advocate for respondent no.3 - absent

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th April, 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicants.
2. Heard Mr P.K. Lakhotiya, learned Advocate for applicants and Mr D.R. Adhav holding for Mr A.G. Kande learned Advocate for respondent no.2/Insurance Company. Respondent No.1 though duly served remained absent. Mr R.R. Chandole, learned Advocate for respondent no.3 remained absent when the matter is called out.
3. Mr Lakhotiya, learned Advocate for applicants urged to condone the delay in view of the grounds mentioned in the application for condonation of delay, more particularly in paragraphs No.5 to 8.
4. Mr D.R. Adhave learned Advocate for respondent no.2/Insurance Company strongly opposed to condone the delay. He submitted that no sufficient reasons are assigned for condonation of delay. In the alternative, he submitted that if delay is condoned, the applicants/claimants shall waive the interest for the delayed period.

5. Having considered the submissions made by respective sides and looking to the grounds mentioned in the application for condonation of delay and looking to the nature of dispute arising out of accident claim, I am convinced to allow this application.

ORDER

(i) The application is hereby allowed in terms of prayer clause (B) on condition that the applicants/claimants shall not be entitled to claim interest in respect of the delayed period.

(ii) The Registry to make scrutiny of the appeal as per procedure and thereafter it be numbered and placed before the Court for admission.

(iii) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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