

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

940 CIVIL APPLICATION NO.5180 OF 2022 IN FAST/23957/2021
WITH
CIVIL APPLICATION NO. 5181 OF 2022 IN FAST/23957/2021

NANDAKUMAR BALCHAND KUNDHARE AND ANR
VERSUS
TATYASAHEB JAGANNATH AMBADE AND ORS

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Advocate for Applicants : Ms. Sakshi A. Kale h/f Mr. A. B. Kale
Advocate for Respondent NO.1 : Mr. Amol Gandhi
Advocate for Respondent No.2 : Mr. S. S. Dargad h/f
Mr. S. G. Chapalgaonkar

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 04/10/2022.**

P. C. :

IN CIVIL APPLICATION NO. 5180 OF 2022 :

1. Heard rival submissions.
2. The respondent No.1 claimant remained absent. The delay of 1015 days appears to be caused due to arrangement of court fees. The learned counsel for the respondent No.2 insurance company strongly opposed the application by filing reply and also submitted that since the appellants have not deposited the 50% of the compensation amount as directed, they are not at all entitled for seeking condonation of delay.
2. However, in any condition the appeal is required to be heard on merit irrespective of deposit of compensation amount. As such, the delay of 1015 days stands condoned. The appeal be placed for admission after removal office objections, if any. Civil application is accordingly disposed of.

IN CIVIL APPLICATION NO.5181 OF 2022 :

Since the appellants have stated their inability to deposit the 50% of the compensation as per the order dated 06/04/2022, the application is hereby dismissed.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-