

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

**949 CIVIL APPLICATION NO.10704 OF 2017
IN FAST/25819/2017**

**SUNIL DAULAT KHARAT
VERSUS
RASHEED SK. MASTAN AND ORS**

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Advocate for Applicant : Mr. A. B. Dhongade
Advocate for Respondent No.3 : Mr. D. P. Deshpande

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 30/11/2022.**

P. C. :

1. Heard rival submissions.
2. The applicant is seeking condonation of delay of 400 days, which appears to be caused due to his poor financial condition.
3. The learned counsel for insurance company strongly opposed the application on the ground that the first appeal has been filed in the year 2017 and now the applicant is seeking condonation of delay in the year 2022.
4. However it appears that the applicant had taken out the application for condonation of delay in the year 2017 itself and thereafter much time was spent in serving respondent Nos.1 & 2, who ultimately served through paper publication. Hence, for the reasons stated in the application, the delay of 400 days stands condoned subject to condition that the applicant shall not claim any interest for the aforesaid period of delay on the enhanced compensation, if granted.

5. The appeal be placed for admission after removal of office objections, if any.
6. The learned counsel waives service for respondent No.3 in the appeal itself.
7. Call R & P.
8. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)