

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

**CIVIL APPLICATION NO.12746 OF 2013 IN
FIRST APPEAL ST. NO.28532 OF 2011**

Bharati w/o Pandurang Deshmukh
and others

Applicants

Versus

Noor Mohmad s/o Bashirkhan Pathan
and others

Respondents

Ms. Manisha Dalave, advocate holding for Mr. K. M. Nagarkar,
advocate for the Applicants
Mr. S. S. Tekale, advocate holding for Mr. S. G. Chapalgaonkar,
advocate for Respondents No. 5 & 6.

CORAM : SANDIPKUMAR C. MORE J.

DATE : 10th October, 2022.

PC :

Heard rival submissions.

The applicants-claimants are seeking condonation of delay of 83 days which appears to be caused due to time spent in arranging amount for court fees.

The learned Counsel for the Respondent-Insurance Company strongly opposed the application. However, considering the short period of delay, it stands condoned subject to the condition that the claimants 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.

Later on at 02.35 p.m.

The learned Counsel Ms. Manisha Dalave, holding for Mr. K. M. Nagarkar, advocate for the applicants, pointed out that one of the respondents i.e. Respondent No.4 is no more and due to inadvertence, she could not mention the same when the order on the delay condonation application was passed in the morning session.

In view of this submission, the order passed in the morning session on delay condonation application is hereby recalled and the appellants-applicants are directed to take necessary steps against deceased Respondent No.4.

Stand over to 21.11.2022.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO.13287 OF 2011 IN
FIRST APPEAL ST. NO.28532 OF 2011**

Bharati w/o Pandurang Deshmukh
and others

Applicants

Versus

Noor Mohmad s/o Bashirkhan Pathan
and others

Respondents

Ms. Manisha Dalave, advocate holding for Mr. K. M. Nagarkar,
advocate for the Applicants
Mr. S. S. Tekale, advocate holding for Mr. S. G. Chapalgaonkar,
advocate for Respondents No. 5 & 6.

CORAM : SANDIPKUMAR C. MORE J.

DATE : 10th October, 2022.

PC :

The learned Counsel Ms.. Manisha Dalave, holding for
Mr. K. M. Nagarkar, advocate for the applicants, on instructions,
submits that the applicants-claimants have already paid the
necessary court fees.

In view of the same, Civil Application seeking
permission to sue as an indigent person stands disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb