

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

**946 CIVIL APPLICATION NO.1489 OF 2022
IN FAST/32374/2021**

**DATTATRYA SAVLERAM SABLE
VERSUS
BHAUSAHEB BAJIRAO SULTANE AND ANOTHER**

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Mr. Sk. Mazhar A. Jahagirdar, Advocate for the applicant.

Mr. A.B. Kadethankar, Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 25.08.2022.

ORDER:-

1. Heard the rival submissions. The original claimant deposite service, remained absent. The applicant, who is the owner of the offending vehicle, is seeking condonation of delay of 2037 days in filing the first appeal. As against this, the learned Counsel for the respondent Insurance Company strongly opposed the application on the ground that he had already challenged the impugned award by way of separate appeal and the said appeal has been disposed of on merit. As such, the appeal filed by the present applicant – owner is not maintainable.

2. However, the ground of maintainability can be decided once the appeal is allowed to be filed after delay condonation. In view of the same and for the reasons stated in the application, the application is allowed and the delay of 2037 days stands condoned. The appeal be placed for admission, after removal of office objections, if any.

3. The Civil Application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)