

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

**940 CIVIL APPLICATION NO.238 OF 2022
IN FAST/486/2022**

**HANMANT NARBA SHINGADE
VERSUS
VIJYABAI W/O ANURATH @ ANURUDHA SAVANT AND OTHERS**

...
Advocate for Applicant : Mr. Madde Shrikant B.
Advocate for Respondent No.9 : Mr.Kedar Ganesh L.
Advocate for Respondent Nos. 1 to 6 and 8 : Mr. S.J.Salunke
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 11.01.2023

PER COURT :

Heard rival submissions. The applicants against whom the impugned award is passed is seeking condonation of huge delay of 3495 days in filing this appeal. The respondents-claimants have strongly opposed the application by filing reply. The applicant is claiming that though he had appeared before the learned trial Court, but his advocate had withdrawn Vakalatnama without giving any intimation to him, and therefore, he got knowledge of the passing of award against him only when warrant was issued against him in the year 2021. However, the reason given by him for condonation of delay is not at all acceptable since it was for him to get the knowledge of proceeding wherein he had already appeared. However, the applicant has deposited the amount of compensation before the trial Court and

considering his statutory right, the delay can be condoned. The inconvenience caused to the respondent -claimants Nos. 1 to 6 and 8 can be compensated by awarding suitable costs. As such, the application is allowed in terms of prayer clause 'B' subject to costs of Rs. 25,000/- to be paid to respondents / claimants No. 1 to 6 and 8 within one month of this order.

2. The appeal be placed for admission after deposit of costs and on removal of office objections, if any.

3. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-