

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

**8 CIVIL APPLICATION NO.14105 OF 2019
IN FAST/21288/2019**

**NILESH BABURAO GAGARE
VERSUS
ORIENTAL INSURANCE COMPANY LIMITED, THR ITS BRANCH
MANAGER, AHMEDNAGAR AND ANOTHER**

...
Advocate for Applicant : Mr. S. S. Jangada
h/f. Mr. Shaikh Majit S
Advocate for Respondent No.1 : Mr. V. N. Upadhye
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 02.01.2023

PER COURT :

Heard rival submissions. The applicant -original claimant is seeking condonation of delay of 772 days in filing this appeal which appears to be caused due to his financial crisis. The learned counsel for the respondent No.1 -Insurance Company strongly opposed the application on the ground that there is also circulation delay. The respondent No.2 -owner though served, but remained absent.

2. However considering the statutory right of the applicants, the delay of 772 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 and also for the delay in

circulating the matter belatedly.

3. Appeal be placed for admission after removal of office objections, if any.

4. Application stands disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-