



(1)

ca8412.22

(This order is corrected pursuant to speaking to minutes order dated 10.12.2024)

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

**5 CIVIL APPLICATION NO. 8412 OF 2022
IN FAST/5588/2022**

NAMDEO KASHINATH WARKAD AND OTHERS
VERSUS
ASLAM BAIG HASAN BAIG AND OTHERS

Mr.A.P. Khedkar, Advocate for the applicants.

CORAM : KISHORE C. SANT, J.
DATE : 29.11.2024

PC :-

01. Heard. This application is by the original claimants, who filed appeal for enhancement of compensation amount. The respondent-insurance company has also filed First Appeal No.1200 of 2016, in which the applicants wanted to file cross-objection. However, respondent No.2 subsequently withdrew said first appeal on 26.02.2021. The applicants could not file appeal as during that period there was Covid pandemic and there were restrictions on the movements. Therefore, the delay is caused in filing the appeal.

02. Considering the above, this Court is inclined to allow this application.

(i) The application is allowed and delay is condoned subject to payment of costs of Rs.3500/- to be paid to the Registry, High Court, Aurangabad for utilization of Dispensary, High Court. Aurangabad.

(ii) The applicants shall file an undertaking to the effect that in case the appeal is allowed, the applicants shall not claim interest for the delayed period on the enhanced amount.

(iii) Subject to above conditions, the first appeal be registered.

[KISHORE C. SANT, J.]