



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

5 CIVIL APPLICATION NO. 5435 OF 2024
IN FAST/8136/2024

GULAB ASARAM SHEVALE
VERSUS
NAMDEO SITARAM PALVE AND ORS

...
Advocate for Applicant : Mr. Wagh Umakant U.
Advocate for Respondent No.3 : Mr. Ambhore M. M.
...

CORAM : S. G. CHAPALGAONKAR, J.
Dated : 30.01.2025

PER COURT :-

1. Applicant seeks condonation of delay of 649 days caused in filing appeal.
2. Applicant states that applicant has incurred huge expenses towards medical treatment of accidental injuries and also suffered 25% of permanent disablement. Due to financial difficulty and physical disability he could not file appeal in time.
3. Mr. Ambhore, learned Advocate appearing for respondent No. 3 vehemently opposes application contending that there is inordinate delay in lodging appeal, which is not

properly explained.

4. Having considered the submissions advanced and the reasons stated in the application, it is apparent that the applicant is litigating to get just compensation towards accidental injuries suffered by him. The reasons as stated in the application are not controverted by filing affidavit-in-reply. In that view of the matter, liberal approach needs to be adopted in the matter of condonation of delay and the interest of respondent Insurance Company can be protected by putting certain conditions. In that view of the matter, following order :

ORDER

- (i) The Civil application stands allowed.
- (ii) Delay of 649 days caused in filing appeal stands condoned subject to condition that applicant files undertaking to the satisfaction of learned Registrar, (Judicial) that he shall not claim any interest for delayed period, in case his prayer for enhanced compensation is accepted.
- (iii) The Civil Application stands disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

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