

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

**27 CIVIL APPLICATION NO. 10714 OF 2017
IN FAST/18946/2017**

CHI RAHUL PRABHAKAR NERKAR

....Applicant

VERSUS

DHANNANJAY DAYARAM PATIL THR LRS SUNANDA AND ORS

.....Respondents

.....

Advocate for Applicant : Mr. M. M. Bhokarikar

Advocate for Respondent No.2 : Mr. Aniruddha S.

Usmanpurkar

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 03 FEBRUARY , 2025

ORDER:-

1. Heard rival submissions.
2. The applicant/claimant, who has filed this appeal for enhancement, is claiming condonation of delay of 1853 days in filing the appeal on the ground that his Advocate failed to communicate him about the date of receiving certified copies.
3. The learned counsel for respondent No.2/ Insurance company by filing reply strongly opposed the application contending that as to how the applicant has made fraudulent statement in the application itself by suppressing material facts.

4. However, considering the nature of beneficial legislation, the aforesaid delay can be condoned by awarding suitable cost and by stopping the interest part.

5. As such, the application stands allowed in terms of prayer clause (B) subject to cost of Rs. 2500/- (rupees Two Thousand & Five Hundred only) to be paid to the Registry of this Court for utilization of High Court Dispensary.

6. It is made clear that the applicant/claimant shall not claim any interest for the aforesaid period of delay on the enhancement amount of compensation, if granted.

7. Application stands disposed of. Appeal be registered after removal of all the office objections.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni