



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO. 2494 OF 2017
IN FIRST APPEAL (ST) NO. 37758 OF 2016

SUMANBAI SHANTARAM TAYADE AND OTHERS
VERSUS
THE NEW INDIA INSURANCE COMPANY LTD. AND ANOTHER

...

Mr. Madhav M. Bhokariker – Advocate for Applicants
Mr. A.S. Usmanpurkar – Advocate for Respondent No.1

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 16th JANUARY, 2025

PER COURT :

1. This is an application filed for condonation of delay of 1745 days caused in filing First Appeal.
2. Perused the application. Heard learned advocate for the applicants and learned advocate for respondent No.1.
3. Learned advocate for respondent No.1 pointed out the objections for allowing against this application and submitted by way of affidavit-in-reply to reject the application as there is no sufficient ground to condone the delay as the delay is not properly explained. Therefore, he prayed to reject application.
4. Perused the application. In para No.2 of the said application

the applicants have mentioned that, they were not knowing about the delivering of judgment therefore, they could not proceed for filing the appeal. Learned advocate for the applicants therefore prayed for condonation of delay in the interest of justice.

5. Considering the submissions it appears that, the applicants did not have the knowledge about delivery of the impugned judgment and the delay is not deliberately caused. The Hon'ble Supreme Court in the case of Collector, Land Acquisition, Anantnag and Anr. Vs. Mst. Katiji and Ors., reported in *AIR 1987 Supreme Court 1353* held that liberal view shall be taken when the delay is not deliberately caused. Considering all these aspects, it would be proper to condone the delay in the interest of justice. In view of the above, the application is allowed and delay of 1745 days is condoned.

6. The application is disposed of.

7. Appeal be registered.

8. It is clarified that, in case the amount of compensation is enhanced by this Court, the applicants/claimants shall not be entitled for interest for the delayed period.

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8. Issue notice to the respondents, returnable on 27th February, 2025.
9. Learned advocate – Mr. A.S. Usmanpurkar waives service of notice for respondent No.1.
10. Call for record and proceeding.

[SANJAY A. DESHMUKH, J.]