



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

903 FIRST APPEAL NO. 2713 OF 2024

VIJAY HARI SONAWANE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH AUTHORIZED OFFICER, AURANGABAD AND ANR

...
Advocate for Appellant : Mr. Madhav M. Bhokarikar.
Advocate for Respondent No.2 : Mr. S. R. Deshpande.

...

WITH
CIVIL APPLICATION NO. 10495 OF 2017
IN FAST/20663/2017

MANOJ PANDIT SONAWANE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD,
THROUGH AUTHORIZED OFFICER, AURANGABAD AND ANR

...
Advocate for Applicant : Mr. Madhav M. Bhokarikar.
Advocate for Respondent No.1 : Mr. Shriram Sarda, h/f Mr. M. R. Deshmukh.
Advocate for Respondent No.2 : Mr. S. R. Deshpande.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 10th April, 2026.

P.C.:

CIVIL APPLICATION NO. 10495 OF 2017

1 This is an application for condonation of delay of 1311 days caused in filing the first appeal.

2 Application against respondent No.2 is dismissed as per the order dated 6th November, 2023. Mr. S. R. Deshpande, learned counsel submits that he has instructions to appear on behalf of respondent No.2. In view of the above, the order dated 6th November,

2023, dismissing the application against respondent No.2 stands recalled and respondent No.2 is restored to its original position.

3 Heard the learned Advocates for the parties. Perused the application.

4 The learned counsel for the applicant pointed out the grounds raised in the application for condonation of delay and submitted that the applicant is poor having no source of sufficient income to pay expenses of the appeal. The applicant suffered from the accident and due to permanent disability, he could not approach the Court for filing the appeal. The applicant is in the financial crisis and he was not having practical knowledge of the impugned judgment. The applicant is an agriculturist having no knowledge of the law. He submitted that because of the poor financial position also the applicant could not proceed to file the appeal within the period of limitation.

5 The learned Advocates for the respondents strongly opposed the application and submitted that no sufficient reasons are mentioned in the application to condone the delay as per the requirement of Section 5 of the Limitation Act. It is submitted that the reasons given in the application are not probable and acceptable to condone the delay. It is lastly prayed to reject the application.

6 On perusal of the application and after considering the facts and circumstances of the case alongwith the arguments of both the sides, this Court is of the view that the delay deserves to be condoned in the interest of justice, as the delay is not deliberately caused and also to decide the *lis* of merits. The application deserves to be allowed without imposing costs as the applicant is financially poor.

7 For the reasons stated in the application the delay stands condoned. The application stands allowed in the interest of justice. Appeal be registered.

8 It is clarified that, if the appeal is allowed, for the period of delay, the claimant is not entitled for the interest of the delay period.

FAST/20663/2017 :

9 Issue notice to the respondents, returnable on 30th June, 2026. Mr. M. R. Deshmukh, learned counsel waives notice for respondent No.1. Mr. S. R. Deshpande, learned counsel waives notice for respondent No.2.

10 Mr. Bhokarikar, learned counsel submits that he will provide the copies of the appeal memo and other relevant documents to the learned counsel for the respondents.

11 Call for record and proceedings.

[SANJAY A. DESHMUKH, J.]