

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CIVIL APPLICATION NO.2611 OF 2013
IN
FIRST APPEAL (ST) NO. 12824 OF 2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Shilpa Mangle for the Applicant

CORAM : K. K. TATED, J.

DATE : APRIL 7, 2015

P.C.:

1. Heard. Though the Respondents are duly served, none appeared for them.

2. This Application is preferred by the claimant for condonation of 4 years 53 days delay in filing the First Appeal challenging the judgment and award dated 26/11/2008 passed by the MACT, Solapur in MACP No.85/2006.

3. The learned counsel for the Applicant submits that as soon as the impugned order passed by the Trial Court, they filed Application No.1/2009 for modification of the judgment and award passed by the MACT. The said Application decided by the Trial Court on 23/10/2012. Thereafter, the Applicant applied for certified copies of the said order on 23/10/2012 and same

was received on 18/12/2012. He submits that immediately thereafter the Applicant took steps to file the present appeal. Same was filed in this court on 16/04/2013.

4. The learned counsel for the Applicant submits that the Application filed by them, being Application No.1/2009 was pending before the Trial Court for more than 3 years. Hence, there is delay in preferring the resent appeal.

5. Considering the submissions made by the learned counsel for the Applicant and the averments made in paragraph 5 of the Civil Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

6. Hence, the following order:

i) Civil Application is allowed in terms of prayer clause (a) which read thus:

(a) This Hon'ble Court be pleased to condone 4 years and 53 days delay in filing the aforesaid First Appeal in the interest of justice.

ii) Civil application stands disposed off accordingly.

JUDGE