

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CIVIL APPLICATION NO. 3127 OF 2014
IN
FIRST APPEAL (STAMP) NO. 35922 OF 2013

Shri Parbat Pandurang More (deceased)
through LRs.

.. Appellant/Applicants

Vs.

Shri. Uttam Yashwant Tarle & Anr.

.. Respondents

Ms. Sharon Patole i/b N. V. Kalantri for the Appellant/Applicants.
Mr. Sachin Gite for Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 26th AUGUST, 2016.

P. C. :

1. Heard learned counsel for the parties.
2. This is an application seeking condonation of delay of 3 years and 136 days in preferring the First Appeal challenging the Judgment and Order dated 11.05.2010 passed by the learned Commissioner for Workmen's Compensation in W. C. (F) No. 15/2003.
3. The delay is inordinate one for the reasons stated in paragraphs 4, 5, 6 and 7 of the application. It is submitted by the learned counsel for the applicants that the cause for delay is mentioned in paragraphs 4, 5 & 6 of the application. Whereas, learned counsel for the respondents submits that the reasons stated in these paragraphs are not

sufficient to condone such a long delay of 3 years 136 days. It is true that the delay is inordinate one but at the same time as per the settled position of law, this Court has to adopt a liberal approach in order to dispense substantial justice and not dismiss the application on technical grounds, especially, when the proceeding is for getting compensation under the Workmen Compensation Act and the applicants claim themselves to be the legal heirs of the deceased. Hence, in the interest of justice, the application for delay condonation is allowed with no order as to costs.

4. The appeal be numbered and placed for admission as per CMIS date.

[DR. SHALINI PHANSALKAR-JOSHI, J.]