

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14072 OF 2016
IN FAST/1385/2014

ANIL UTTAMRAO SALUNKE
VERSUS
FULAJI TUKARAM KHARWADE AND ANOTHER

...
Advocate for Applicant : Mr. Deshmukh Sachin S.

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CORAM : V. K. JADHAV, J.
DATED : 6th JANUARY, 2017

PER COURT:-

1. Heard learned counsel for the applicant, however, none present for the respondents though duly served. Learned counsel submits that the judgment and award under appeal though passed on 25.4.2013, the applicant subsequently, came to know about passing of judgment and award in the pending M.A.C.P. Therefore, the delay has been caused in filing the appeal.

2. Learned counsel for the applicant submits that in discharge summary, issued by the doctor of concerned medical hospital, where the deceased had taken treatment, the history is recorded "as fall from tree" and accordingly deceased was treated for the injury sustained by him in the said hospital. Even though the applicant/owner has denied the accident in toto and further placed on record the aforesaid discharge summary, learned Member of the

Tribunal has not considered the same.

3. In view of above submissiona, delay of 163 days caused in filing the first appeal is hereby condoned and the execution implementation and operation of the judgment and award dated 25.4.2013 in M.A.C.P. 132 of 2006 is hereby stayed till further orders. Civil application No. 14072 of 2016 is accordingly disposed of.

(V. K. JADHAV, J.)

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