

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3893 OF 2003
IN FAST/10829/2003 WITH CA/3785/2006 IN FAST/10829/2003

ORIENTAL INSURANCE CO LTD
VERSUS
MAJID KHA HASAD KHA PATHAN & ORS

...
Advocate for Applicant : Mr. S M Godsay S K Naikwade (absent)
Advocate for Respondents : Mr. N. L. Choudhari (absent)
.....

CORAM : V. K. JADHAV, J.
DATED : 17th JULY, 2017

PER COURT:-

1. None present for the applicant as well as the respondent.
2. Being aggrieved by the judgment and award dated 11.09.2002, passed by the Commissioner for Workmen's Compensation, in W.M.C.A. No. 75 of 2002, the original respondent No.2/insurer has preferred the first appeal, which is delayed by 158 days. Hence, this civil application for condonation of said delay caused in filing the appeal.
3. It appears from the record that the matter is pending from 2003 for want of service on respondent No.1. Though the applicant is permitted to serve respondent No.1 by way of paper publication, the applicant has not produced on record copy of newspaper, right from

2012 and as such, by order dated 30.6.2017 this court has dismissed the application as against respondent No.1. Even today also none present for the applicant/insurer.

4. In view of above, civil application No. 3893 of 2003 seeking condonation of delay is hereby dismissed for want of prosecution.

5. Consequently, another pending civil application is disposed of.

(V. K. JADHAV, J.)

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