

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 6642 OF 2016
IN FAST/7115/2016

SK MUSTAQ SK BUDDHAN
VERSUS
SK ALTAF SK AZIZ AND ANOTHER

...
Advocate for Applicant : Mr. P. S. Agrawal.
...

CORAM : K.K. SONAWANE, J.

DATED : 09TH OCTOBER, 2017.

Order :-

Heard learned counsel for applicant-appellant (original claimant). Despite service of notice, none appears for respondents No. 1 and 2. Perused the application.

2. The matter pertains to Workmen's Compensation Act, 1923. The applicant-appellant moved the application for condonation of delay, which is pending since year 2016. In such circumstances, it would be justifiable to proceed further for hearing of the application on merit in absence of both respondents (original respondents).

3. The learned counsel for applicant submits that there is delay of 100 days caused for filing first appeal against impugned Judgment and Award passed by the learned Ex-officio Commissioner Employee's Compensation and Civil Judge, Senior Division, Hingoli in N. F. A. No. 10 of 2013 dated 27-08-2015. The learned counsel for applicant submits that the delay caused for filing appeal is not intentional and deliberate, but it caused due to unavoidable circumstances.

4. In view of submissions of the learned counsel for applicant and the reasons mentioned in the application, I find there is a

sufficient cause to condone the delay. Hence, civil application for condonation of delay of 100 days caused for filing first appeal against impugned Judgment and Award dated 27-08-2015 stands allowed in terms of prayer clause 'B'. The delay caused for filing first appeal is hereby condoned. Accordingly, the civil application is disposed of. The Registry to take requisite steps for further process.

5. On registration of appeal, issue notice to the respondents on the address given in the title clause of appeal memo, returnable on 20th November, 2017. Meanwhile, call for record and proceedings from the concerned trial Court.

[K. K. SONAWANE]
JUDGE

rrd.