

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**23 CIVIL APPLICATION NO. 12504 OF 2016
IN FAST/19433/2016**

DEELIP NARYAN NATKAR AND ANR
VERSUS
AZAD SK HIMMAT AND ORS

...
Advocate for Applicants : Mr. Agrawal Pavankumar S.
Advocate for Respondent No.4 : Mr. M.K. Goyanka
...

CORAM : K.K. SONAWANE, J.
DATE : 18th September, 2017

PER COURT :

1. Heard learned counsel for the applicants. Despite service of notice by paper-publication, none appears for respondent No.1. Learned counsel appeared for respondent Nos.2 and 3 did not turn up to this Court. Learned counsel for respondent No.4 is present.

2. Perused the application. In view of reasons mentioned in the application, I do not find any impediment to condone the delay. The delay caused in filing first appeal against the impugned Judgment and Award passed by the learned Tribunal in M.A.C.P.No.

335 of 2011 is hereby condoned. Hence, application stands allowed in terms of prayer clause 'B'.

3. Registry to take requisite steps for further process.

4. On registration of Appeal, re-issue notice to the respondents, returnable on 12th October, 2017. Learned counsel Mr.M.K. Goyanka waives service of notice on behalf of respondent No.4.

5. In addition to Court service, the appellants to serve notice to respondent Nos.1 to 3 privately by fastest mode and file affidavit of service of notice on record with tangible proof.

6. Mean'while, call record and proceedings from the concerned Court.

(K.K. SONAWANE, J.)

