

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

14 CIVIL APPLICATION NO. 11902 OF 2016
IN FAST/24502/2016

MADHUKAR SHIVRAJ GANACHARYA @ SWAMI
VERSUS

E. SUDARSHAN E. RAM REDDY AND ANR

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Advocate for Applicant : Mr. Fayaz K. Patel

Advocate for Respondent No. 2 : Mr. A.B. Gatne

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CORAM : K.K. SONAWANE, J.

DATED : 16th NOVEMBER, 2017.

Order :-

1. Despite service of notice, no appearance is caused on behalf of respondent No. 1. Heard learned counsel for applicant and respondent No. 2.

2. Perused the application. The matter pertains to the compensation arising out of Employee's Compensation Act, 1923. The learned counsel for the applicant submits that the delay caused in filing the first appeal is not intentional or deliberate but it caused due to unavoidable circumstances. Therefore, he prayed to condone the delay.

3. Mr. Gatne, learned counsel for respondent No. 2 submits that the delay has not been properly explained by the applicant and the same may not be condoned.

4. In view of nature of subject-matter and reasons mentioned in the application I do find any impediment to condone the delay caused in filing the appeal. It would not cause any prejudice or injustice to the other side. In contrast, it would sub-serve the purpose for substantial justice. Thus, the reasons mentioned for condonation delay appears reasonable and satisfactory. Hence, application stands allowed in terms of prayer clause "B". The delay so caused in filing the appeal is

hereby condoned. Registry to take requisite steps for further process.

5. On registration of appeal, issue notice to respondents, returnable on 14th December, 2017. Mr. Gatne, learned counsel waives service of notice for respondent No. 2 and prays for copies of the appeal memo.

6. The applicant to supply the copy of appeal memo along with relevant documents appended with appeal memo to the learned counsel Mr. Gatne within two weeks from today.

7. Call for record and proceedings.

[K. K. SONAWANE]
JUDGE

MTK