

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

935 CIVIL APPLICATION NO. 15031 OF 2016 IN
FAST/26470/2016

JALINDHAR EKNATH BADHE AND ANOTHER
VERSUS
DINESH SUDAMRAO THAKRE AND ANOTHER

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Advocate for Applicants : Mr.P.S. Agrawal

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CORAM : K.K. SONAWANE, J.

DATED : 8th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants. The record of the present matter indicates that notices of the application for condonation of delay has already been served to both respondents, but they did not turn up to this Court. Today, also when the matter is called out, none appears for both the respondents.

2. Heard learned counsel for the applicants. The matter pertains to condonation of delay for filing First Appeal against impugned Judgment and Award dated 27-02-2013 passed by learned Ex-officio Commissioner for Employee's Compensation and Civil Judge, Senior Division, Parbhani in WCFA No. 07 of 2011. The applicants are original claimants/petitioners. They preferred application for compensation for death of their family member in vehicular accident. The applicants are intending to seek enhancement in compensation awarded by the learned Tribunal.

3. In view of absence on the part of respondents as well as reasons mentioned in the application, I do not find any impediment to condone the delay. It appears that delay caused in filing the appeal is not intentional or deliberate, but it caused due to unavoidable circumstances. Hence, the application stands allowed in terms of prayer

clause "B". The delay caused in filing the appeal against impugned Judgment and Award dated 27-02-2013 passed by learned Ex-officio Commissioner for Employee's Compensation and Civil Judge, Senior Division Parbhani in WCFA No. 07 of 2011. is hereby condoned. The Registry to take requisite steps for registration of appeal. The civil application stands disposed of.

4. On registration of appeal, issue notice to respondents, returnable on 14-12-2017.

[K. K. SONAWANE]
JUDGE

MTK