

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 CIVIL APPLICATION NO. 12848 OF 2015
IN FAST/29580/2015

SHANATABAI ANIL THORAT AND OTHERS
VERSUS
ASHOK BHANUDAS JAGTAP AND OTHERS

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Advocate for Applicants : Sonavane Narendra D.

Advocate for Respondents : Parag Shahane R/1 & 2 Tungar Nikhilesh
K.

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CORAM : V.K. JADHAV, J.
DATE : 10-02-2017.

P.C. :

1. Heard both the sides.
2. The learned counsel for the applicants submits that the applicant no.1 is a widow and applicant nos. 2 to 4 are minors. The husband of applicant no.1, died on 14.05.2007 while working on the construction site of the present respondent nos. 1 and 2. By judgment and award dated 18.05.2012 the Commissioner for Workmen's Compensation and the Judge of the Labour Court dismissed the application. The applicant no.1 came to know about the dismissal of her claim petition belatedly. On account of the death of bread winner of the family the appeal could not be preferred within time.
3. The learned counsel for respondent nos. 1 and 2 strongly resisted the application on the ground that inordinate delay

caused in filing the appeal is not explained satisfactorily. The counsel for respondent no.3 has also strongly resisted the application for the same reason.

4. The applicant no.1 is the widow and the applicant original claimants nos. 2 to 4 are minors. It appears that the bread winner of the family died way back in the year 2007 while working on the construction site. In view of the above and for the reasons stated in the application, the delay has been explained satisfactorily. Hence the following order:

ORDER

- i) Civil application is allowed and delay of 1175 caused in filing the first appeal is hereby condoned.
- ii) Civil application is accordingly disposed of.

5. Heard. Issue notice to the respondents, returnable on 10.03.2017. Learned counsel Shri Parag Shahane, waives for respondent nos. 1 and 2. Learned counsel Shri Tungar N.K., waives for respondent no. 3. Call for record and proceedings.

(V.K. JADHAV)
JUDGE