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

**1014 CIVIL APPLICATION NO. 16378 OF 2016
IN/WITH FAST/34820/2016**

**DNYANOBA FAKIRA FAVADE ANDANR
VERSUS
PADMINBAI MADHUKAR KHARADEAND ORS**

...

Advocate for Applicants : Mr Choudhari Sushant B
Advocate for respondent No.3 : Mr Upadhye V.N.

CORAM : V.K. JADHAV, J.

DATE : 28th April, 2017

ORAL ORDER

Heard the learned counsel for the applicants and the learned counsel for the respondent No. 3 – insurer. None appears for respondent No. 1 and 2 though duly served.

2. The learned counsel for the applicants submits that due to financial constraints, the applicants could not file the appeal within limitation. Their son/workman met with accidental death and they have not received any amount of compensation and since the Commissioner has exonerated the respondent – insurer from liability to pay the compensation, the applicants have not received any compensation so far.

3. The learned counsel for the respondent – insurer has strongly resisted the application on the ground that the delay has not been explained satisfactorily.

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4. In view of the submissions made on behalf of the applicants and for the reasons stated in the application, the delay of 1145 days caused in filing first appeal is hereby condoned.

5. Civil Application is allowed and accordingly disposed of.

6. So far first appeal is concerned, issue notice to respondents, returnable on 01.08.2017.

7. The learned counsel waives notice for respondent No. 3 – insurer.

8. Call record and proceedings.

(V.K. JADHAV, J.)

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