

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

15 CIVIL APPLICATION NO. 739 OF 2017
IN FAST/36135/2016

SHAIKH CHAND SHAIKH RAMJAN
VERSUS
RANJITSINGH HARVINDARSINGH CHAVAN AND ANR

...
Advocate for Applicants : Mr. Madhav M. Bhokarikar
Adv. for respondent No.2 : Mr. S.G. Chapalgaonkar.

CORAM : K.K. SONAWANE, J.

DATE : 14th November, 2017.

PER COURT:

Heard learned counsel for the applicant and learned counsel for the respondent No.2 Insurance company. When the matter is called out, none appears for the respondents.

2] Perused the application and relevant documents produced on record. The applicant is seeking condonation of delay of 576 days caused in filing first appeal against the impugned judgment and award passed by the learned Commissioner, Workmen's Compensation No. WCA/25/2012, According to learned counsel the delay is not deliberate and intentional but caused due to unavoidable circumstances. Meager amount of compensation came to be awarded by learned Commissioner for the injuries sustained to the applicant in the accident during the course of his employment. According to learned counsel for the applicant, applicant has a good case on merit. Therefore, it is essential to condone the delay.

2] The learned counsel for the respondent No.2 insurance company raised objection that the delay may not be condoned in absence of

reasonable ground.

3] In view of the subject matter and for the reasons mentioned in the application, there is no impediment to condone the delay. In case delay is not condoned, the applicant would suffer financial loss as it would cause prejudice to him. Hence, the application stands allowed in terms of prayre clause (B), in the interest of justice. Delay caused for filing appeal is hereby condoned.

4] Registry to take requisite steps for further process. On registration of appeal, issue notice to respondents. The learned counsel Shri S.G. Chapalgaonkar, waives notice for respondent No.2 Insurance company. In addition to regular mode of service, appellants to serve the notice privately to respondent No.1 and file affidavit of service with tangible proof on or before the returnable date. Call for R.& P from the concerned Commissioner. After receipt of R.& P. and compliance of official process, list the matter for admission on 21st December, 2017.

[K.K. SONAWANE]
JUDGE.

grt/-