

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

CIVIL APPLICATION NO. 4088 OF 2018
IN FAST/5711/2018

DATTARAO KISHANRAO THORAT AND ANR
VERSUS
KAVERI GANGADHAR THORAT AND ORS

...
Advocate for Applicants : Mr. R. N. Chavan h/f. Mr. Vishal A. Bagdiya
...

CORAM : K.K. SONAWANE, J.

DATED : 6th JUNE, 2018.

Order :-

Heard learned counsel for applicant. Despite service of notice, no one else appears for respondents No. 1 to 6. Perused the application.

2. The present application is moved for condonation of 74 days delay for filing the first appeal against impugned Judgment and Award passed by learned Ex-officio Commissioner for Employees Compensation and Civil Judge, Senior Division, Hingoli in F. A. No. 11 of 2014 dated 04-10-2017.

3. The learned counsel for applicant submits that the delay caused in filing the first appeal was not intentional and deliberate, but, it was caused due to unavoidable circumstances. The matter pertains to the compensation arising from the accident occurred during the course of employment. The learned Commissioner granted an exorbitant amount of compensation in favour of respondents-original claimants. Therefore, the applicants are intending to prefer the appeal to redress their grievances. It would not cause any prejudice or injustice to the respondents. Hence, he prayed to condone the delay.

4. Despite service of notice, none appears for respondents No. 1 to 6.

5. In view of submissions on behalf of applicants and reasons mentioned in the application, there is no impediment to allow the application for condonation delay caused in filing the first appeal. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose for substantial justice. Accordingly, the application stands allowed in terms of prayer clause (B). The delay caused in filing first appeal against the impugned Judgment and Award is hereby condoned. The Registry to take requisite steps for further process. The civil application stands disposed of in above terms.

6. On registration of appeal, issue notice to the respondents, returnable on 10-07-2018.

7. Meanwhile, call for record and proceedings.

8. List the appeal for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.