

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

77 CIVIL APPLICATION NO. 9353 OF 2017
IN FAST/20258/2016

SADDAM QURESHI MUSTAFA QURESHI

VERSUS

THE SUPERINTENDENT, GURUDWARA BOARD TAKHAT
SACHKHAND HUZUR SAHIB, ABCHALNAGAR, NA

...

Advocate for Applicant : Mr. Zia Ul Mustafa;
Mr. AB Gatne, Adv. For Respondent No.2.

...

CORAM : P.R. BORA, J.

DATED : 24th SEPTEMBER, 2018.

PER COURT:-

1. Heard Shri Mustafa, learned counsel for applicant and Shri Gatne.

2. Delay of 335 days has occurred in filing the appeal by the appellant. The learned counsel for applicant submitted that the applicant is a poor labour contractor and because of the accidental injuries, he was required to spend huge amount on his medical treatment. In the circumstances, he could not file the appeal within the period of limitation.

3. Learned Counsel Shri Gatne has opposed for condoning the delay, stating that the reason are not only insufficient but false. The learned

counsel also invited my attention to the discussion made by the learned Tribunal in para 26 of the judgment and submitted that even otherwise, there is no merit in the appeal filed by the appellant-applicant. The learned counsel, therefore, prayed for rejecting the application.

4. After having considered the submissions, it appears to me that opportunity needs to be given to the appellant to prosecute the appeal on merits. The reasons as are stated cannot be outrightly rejected. However, the appellant shall not be entitled to claim any interest for the period of delay in the event he succeeds in the appeal. Hence, the following order, -

ORDER

- i. The delay is condoned. The application for condonation of delay is disposed of.
- ii. It is clarified that the applicant-appellant will not be entitled for any interest for the period of delay in the event of his success in the appeal on the enhanced amount of compensation.
- iii. The appeal be registered in accordance with law. After registration of the appeal, issue notice to the respondents, returnable after six

(3)

weeks.

iv. Shri Gatne waives service for respondent
– insurance company.

. A copy of this order be placed along with
the papers of appeal.

(P.R. BORA)
JUDGE

bdv