

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

54 CIVIL APPLICATION NO. 3163 OF 2018
IN FAST/33087/2017

KAILASH KANBARAO GADADE
VERSUS
RAJEBHAU VISHVANATHAPPA EKASHINGE AND ANR

...
Advocate for Applicant : Mr. Pavankumar S. Agrawal
Advocate for Respondent No. 2 : Mr. M.M. Parghane h/f
Mr. M.M. Ambhore

...
CORAM : K.K. SONAWANE, J.
DATED : 2nd JULY, 2018.

Order :-

1. Heard learned counsel for applicant and respondent No. 2. Despite service, no one else appeared on behalf of respondent No. 1
2. Perused the application. Present application is filed by the applicant for condonation of 111 days delay caused in presenting the appeal against impugned judgment and award passed by the learned Commissioner for Employees Compensation and Civil Judge Senior Division Hingoli, in N.F.A. No. 3 of 2016.
3. Learned counsel Mr. Ambore for respondent No. 2 – Insurance Company raised objection and submits that there is inordinate delay caused in filing the appeal. The applicant - claimant did not explain the delay in proper manner. Therefore, so-called delay may not be condoned.
4. According to applicant, the present claim petition is filed for compensation following physical disability due to electrocution during the course of employment. The applicant-claimant sustained permanent injuries, which resulted into 100% loss of income. However, the learned Tribunal arrived at the wrong conclusion and granted very meagre compensation.
5. Having considered both sides, it reveals that, there is no impediment to extend one more reasonable opportunity to the applicant-claimant to approach to the appellate forum for redressal to get the compensation amount. It would not cause injustice and prejudice to other

side. In contrast, it would sub-serve purpose in the interest of justice. Hence, there is no impediment to condone the delay with certain terms and conditions.

7. In sequel, application is allowed in terms of prayer clause "B". The delay caused to present the appeal against impugned Judgment and Award stands condoned. Registry to take requisite steps for further process. The civil application stands disposed of accordingly.

8. On registration of appeal, issue notice to the respondents. Mr. Ambore, learned counsel waives service of notice for respondent No. 2.

9. Meanwhile, call for record and proceedings .

10. List the appeal for admission in due course.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.