

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

18 CIVIL APPLICATION NO. 6667 OF 2017
IN FAST/35500/2016

MOHAMMED SALIM MD. HANIF AND ORS
VERSUS
INGOLE GOVIND BHAGWAN AND ORS

...
Advocate for Applicants : Mr. Sachin S. Deshmukh
Advocate for respondent No. 2 : Mr. Dhananjay Deshpande

...
CORAM : K.K. SONAWANE, J.

DATED : 4th JUNE, 2018.

Order :-

1. Heard learned counsel for applicants and learned counsel for respondent No. 2- Insurance Company. Despite service of notice none appears on behalf of respondents No. 1 and 3.
2. Perused the application. The present application is filed by the applicants for condonation of 52 days delay caused in filing the appeal against the impugned judgment and award dated 29th July, 2016, passed by the learned Ex-officio Commissioner for Employees Compensation and Civil Judge, Senior Division, Hingoli, in First Appeal No. 06 of 2014.
3. The learned counsel for the applicants submits that the applicants are rustic and illiterate persons having no knowledge about the legal procedure as well as they had a financial crisis. The delay caused in filing the appeal is not intentional or deliberate but it caused due to unavoidable circumstances.

4. Learned counsel for the respondent No. 2 Insurance Company raised objection and submits that delay has not been properly explained and it would be unjust and improper to condone the delay.

5. In view of the aforesaid submissions and for the reasons mentioned in the application, I find it justifiable to give reasonable opportunity to the applicants-appellants in the interest of justice to ventilate the grievances before the Appellate Forum. There is no impediment to condone the delay. Accordingly, the civil application is allowed in terms of prayer clause "B" and stands disposed of. Registry to take requisite steps for further process.

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

7. Meanwhile, call for record and proceedings from the concerned learned Reference Court.

8. List the appeal for admission in due course.

[K. K. SONAWANE]
JUDGE

MTK.