

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1069 CIVIL APPLICATION NO.2766 OF 2019
IN FAST/2054/2019**

VITTHALSING SUPDASING DUMALE
VERSUS
SAMBHAJI GOVIND GAIKWAD AND ORS.

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Mr. D. K. Rajput, Advocate for applicant.
Mr. J.R. Patil holding for A. G. Kanade, Advocate for respondent No.3.
Mr. A. S. Khedkar, Advocate for respondents No.1 and 2.

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 14-06-2019.

PER COURT :

1. Present application has been filed for getting condoned the delay of 377 days in filing first appeal.
2. The applicant is the original claimant and he wants to challenge the award on the ground that, he has not been adequately compensated. Respondents No.1 to 3 are opposing the application strongly on the ground that, the delay has not been properly explained and the delay is huge and inordinate. It is to be noted that, the applicant is contending that since he was more than 75 years of age, ailing, he could not approach the advocate in time. It was the injury claim of the applicant who is now aged 80 years.
3. Taking into consideration the fact that the applicant was claiming

compensation under beneficial legislation and taking into consideration his age, the delay deserves to be condoned.

4. Submission has been made on behalf of the respondent No.3 that the applicant should waive the interest for the period of delay, liberty is granted to respondent No.3 to make such submission at the time of final hearing because the case would then arise if at all this Court comes to the conclusion that the compensation needs to be enhanced. With these observation, delay is condoned. Application stands allowed. Registry to verify and register the appeal and place it for consideration on 22-07-2019.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-