

(1)

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

**933 CIVIL APPLICATION NO.11314 OF 2018
IN FAST/26680/2018**

**ILIAS BAIG ANWAR BAIG MIRZA
VERSUS
SALIM ASHRAF ALI AND ANR**

...

Advocate for Applicant : Ms. A.N.Ansari
Advocate for Respondent No.1 : Mr. M.M. Bhokarikar

...

**CORAM : P.R. BORA, J.
DATED : 22nd JANUARY, 2019.**

PER COURT:-

. Heard Smt. Ansari, the learned counsel appearing for the applicant and the learned counsel appearing for the respondents.

2. The delay of 2062 days has occurred in filing the appeal by the appellant. The learned counsel Smt. Ansari submitted that total five claim petitions were filed against the present appellant arising out of one accident. Four claim petitions were filed under the provisions of Workmen's Compensation Act and were filed in the Court of Employees Compensation Commissioner. The learned counsel submitted that in such circumstances, believing that those are the only claims filed, the claim petition filed before the Motor Accident

Claims Tribunal remained unattended and came to be ultimately decided ex-parte. The learned counsel further submitted that the insurance company has been held jointly and severally responsible in the petitions under the Workmen's Compensation Act however, in the motor accident claim petition, the claim petition has been dismissed against the insurance company since relevant facts could not be placed on record by the present appellant.

3. Having considered the facts as aforesaid, though the delay appears to be of huge period, I am inclined to condone the delay. Hence, the following order:

ORDER

- i) The application is allowed.
- ii) The delay caused in filing the appeal is condoned subject to cost of Rs.2000/-. Cost amount is to be paid to the original claimant.
- iii) The appeal be registered in accordance with law. After registration of the appeal, issue notice to the respondents, returnable after six weeks. The learned counsel appearing for the respective respondents waives notice for the said respondents. Service complete.

(3)

iv) The civil application stands disposed of.

v) List the appeal for further consideration after six weeks. Call record and proceedings.

(P.R. BORA, J.)

Mujaheed//