

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

918 CIVIL APPLICATION NO.7928 OF 2017
IN FAST/20168/2017

THE ORIENTAL INSURANCE CO. LTD. THR ITS BRANCH MANAGER,
LATUR
VERSUS
KALAWATI BHASKAR @ DRONGIRI MORE AND ORS

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Adv for Applicant : Mr. Ganesh Yadav h/f Mr. Rameshwar F. Totala
Advocate for Respondents No.1 and 2 : Mr. Bramhanand M. Dhanure
Advocate for Respondent No. 3 : Mr. Swapnil S. Rathi

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CORAM : K.K. SONAWANE, J.

DATED : 15th JANUARY, 2020.

ORDER :-

1. Heard learned counsel for appearing parties.
2. Present application is filed by the applicant for condonation of delay caused in filing the first appeal against impugned Judgment and Award passed by the Commissioner for Employees Compensation Act, 1923, in WCA No. 79 of 2013. According to learned counsel for applicant - Insurance Company, the delay caused delay in filing the appeal is not intentional or deliberate, but it caused due to unavoidable circumstances and for want of compliance of official process.
3. Mr. Dhanure and Mr. Rathi, learned counsel for respondents No. 1 to 3 respectively submit that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of application.
4. Perused the applications and relevant documents on record. Admittedly, the matters pertain to compensation under the Employees Compensation Act. The learned Commissioner, appreciated the factual aspects of the matter and evidence on record.
5. In view of the aforesaid submissions and for the reasons mentioned in the application that the delay so caused in filing appeal

was only due to unavoidable circumstances as well official process, I find it justifiable to give reasonable opportunity to the applicant-appellant in the interest of justice to ventilate grievances before the Appellate Forum. There is sufficient cause to allow the application for condonation of delay. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for consideration of delay. Therefore, it is imperative to grant some sort of latitude to the applicant to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondents. The application for condonation of delay required to be allowed.

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

7. The civil application is allowed in aforesaid terms and stand disposed of.

8. On registration of appeal, issue notice to the respondents. Mr. Dhanure, learned counsel waives service of notice on behalf of respondents No. 1 and 2. Mr. Rathi, learned counsel waives service of notice on behalf of respondent No. 3.

9. Meanwhile, call for record and proceedings from the concerned Court.

10. After compliance of procedural formalities, list the appeal for admission on 18-02-2020.

[K. K. SONAWANE]
JUDGE