

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO.14431 OF 2019
IN FAST/37546/2019 WITH CA/14432/2019 IN FAST/37546/2019

THE UNITED INDIA INSURANCE CO. LTD., THR ITS AUTHORISED
SIGNATORY, MANAGER, AURAN
VERSUS
RUSTUM SOPANRAO MADKE AND ANR

Advocate for Applicant : Mr. Vinodkumar R. Mundada
Adv. for Respondent Nos. 1 and 2: Mr. V.M. Maney

CORAM : K.K. SONAWANE, J.

DATE : 5th FEBRUARY, 2020.

PER COURT:

The learned counsel Mr. V.M. Maney submits that he has instructions to appears for respondent Nos. 1 and 2. He undertakes to file V.P. during the course of day.

2] Heard learned counsel for the applicant Insurance Company and learned counsel for respondent Nos. 1 and 2. Despite service of notice, nobody appears for respondent No.3.

3] The present application is filed seeking condonation of delay of 24 days caused for filing appeal against the impugned judgment and award passed by learned Commissioner for Workmen's Compensation in WCFA No. 4 of 2015. The learned counsel for the applicant submits that the delay is not intentional and deliberate but caused due to compliance of official process.

4] The learned counsel for the respondent 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 submissions advanced on behalf of both sides, nature of subject matter as well as reasons mentioned in the application, I do not find any impediment to condone the delay. It is the rule of law that while dealing with the application for condonation of delay, the Court should adopt liberal and pragmatic approach by avoiding pedantic approach. Definitely, it would subserve the purpose in the interest of justice. Hence, the application stands allowed in terms of prayer clause (B). Delay caused for filing the appeal is hereby condoned. Registry to take requisite steps for further process.

6] On registration of appeal, issue notice to respondents. The learned counsel Shri V.M. Maney, Advocate waives notice for respondent-original claimants. Call for R.& P from the concerned trial Court.

7] On receipt of R. & P. list the appeal for admission in due course.

8] Interim relief granted earlier to continue till next date.

[K.K. SONAWANE]
JUDGE.

Grt/-.