

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

928 CIVIL APPLICATION NO.94 OF 2018
IN FAST/40288/2017

WALMIK BABASAHEB KAMBLE AND ORS
VERSUS
THE PRESIDENT, MALEGAON SAHAKARI SAKHAR KARKHANA,
BARAMATI AND ORS

...
Advocate for Applicants : Mr. Sushant B Choudhari
Adv. for Respondent Nos. 1 and 2: Mrs. Neelima Gujar

...

CORAM : K.K. SONAWANE, J.

DATED : 14th JANUARY, 2020.

ORDER :-

Heard learned counsel for the applicant and learned counsel for respondent Nos. 1 and 2. Despite service of notice, respondent No.3 did not secure his presence in this proceeding.

2] The present application is filed seeking condonation of 7 days delay caused for filing an appeal against the impugned judgment and award passed by the learned Commissioner, Workmen Compensation, Beed in WMC No. 2 of 2016.

3] According to learned counsel for applicant, the so called delay caused for filing first appeal is not intentional or deliberate, but it was caused due to unavoidable circumstances. The matter pertains to the workmen's compensation. It has been submitted that, in case delay is not condoned, it will cause injustice and prejudice to the applicant. Therefore, he prayed to condone the delay.

4] Learned counsel for the respondents raised objection and submits that the delay has not been properly explained.

5] In view of the reasons mentioned in application, I do not find any impediment to condone the delay. Hence, application stands allowed in terms of prayer clause (B). The delay of 7 days caused for filing First Appeal against impugned Judgment and Order passed by the learned Commissioner in WMC No. 2 of 2016 is hereby condoned. Registry to take requisite steps for further process.

6. On registration of appeal, issue notice to the respondents returnable on 18th February, 2020. Mrs. Gujar, Advocate waives notice for respondent Nos. 1 and 2.

[K. K. SONAWANE]
JUDGE

GRT/-