

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

931 CIVIL APPLICATION NO.2336 OF 2018
IN FAST/15182/2017

BALASAHEB SUBHASH NIKALJE
VERSUS
MANAGER, NEW ASIAN CONSTRUCTION CO. LTD, AHMEDNAGAR
AND ANR

...

Advocate for Applicant : Mr. Jeevan R. Patil h/for Mr. Temkar Rajendra
Advocate for Respondent No.2 : Mr. R. D. Borde h/for Mr. Malte Uday S.

CORAM : Y. G. KHOBRADE, J.
DATE : 15TH NOVEMBER, 2022

ORDER:

1. Heard learned counsel for the applicant and learned counsel appearing for respondent No.2. None present for respondent No.1, through served.
2. The applicant has filed the present application and prayed for condonation of delay of 143 days caused in lodging appeal against judgment and award dated 04.10.2016 passed by the learned Commissioner for Employees Compensation under the Employees Compensation Act. The applicant contended that he is residing in tribal area and due to non communication from his lawyer, he has not taken steps to file appeal within reasonable time. Though the learned counsel appearing for the non applicant No.2 objected for condonation of delay,

nothing has been brought on record to show how non applicant No.2 would prejudice.

3. Reasons assigned prima facie appears that applicant is residing in tribal area and he could not receive communication from his counsel, due to which the delay is caused. To my mind, the applicant has explained the delay bonafide and substantially, hence, it is liable to be condoned. Accordingly, I am inclined to grant the preset application and proceed to pass following order:

O R D E R

- i. Civil application is hereby allowed
- ii. The delay of 371 days caused in filing appeal is hereby condoned.
- iii. Registry of this office is directed to register the appeal and place before this Court for further action.

(Y. G. KHOBRADE, J.)

JPChavan