IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO.1727 OF 2019
IN FAST/29539/2018

SHAIKH KASAM SHAIKH OSMAN AND ANR
VERSUS
RELIANCE GENERAL INSURANCE CO. LTD., THR ITS DIV. MANAGER, AURANGABAD AND ANR

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Advocate for Applicants : Mr. Deshmukh Mohit R.
Advocate for Respondents : Mr. Dahat Rohit H. And S.S. Patil For R/1, Mr. A G Chaudhary h/f Ghongade G.M. For R/2

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CORAM : V.K. JADHAV, J.
Dated: April 22, 2022

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PER COURT :-

1. Heard both sides.

2. Being aggrieved by the judgment and award passed by the Commissioner for Employees, Workman's Compensation, Jalna dated 16.9.2016 in WC No.1 of 2016 the original claimants have preferred the appeal which is delayed by 679 days.

3. Learned counsel for the applicants submits that the applicants are the aged persons and they have approached to the Commissioner for Employees' Compensation and Judge of the Labour Court, Jalna on

account of death of their unmarried son. Though, the Commissioner has awarded certain amount of compensation, however, they have preferred the appeal to the extent of the interest in terms of clause 3 of the operative part of the impugned order.

4. The learned counsel Mr. Patil appearing for respondent no.1 submits that the applicants have not satisfactorily explained the delay. Thus, the application is liable to be rejected.

5. The unmarried son of the applicants died in the motor vehicular accident. He was serving as a cleaner and died in a motor vehicular accident. Learned counsel submits that due to old age ailments and lack of legal advise, the applicants could not approach this Court within the period of limitation for preferring an appeal. There is no intentional delay, as such. Further, it appears that the applicants have preferred the appeal to the extent of the interest. In terms of the provisions of Section 4-A of the Employee's Compensation Act, 1923 if the amount of compensation is not deposited within one month from the date it fell due, the

Commissioner shall award the interest @ 12%. However, in the instant case, the learned Commissioner has granted the compensation with interest @ 12% if the awarded amount is not deposited within a period of two months and further not specified as to from which date, the respondent is liable to pay the interest.

6. In view of the above and for the reasons stated in the application, civil application is allowed in terms of prayer clause '**B**'. Civil application accordingly disposed off.

7. In first appeal, issue notice to the respondents, returnable on 10.6.2022. Learned counsel Mr. Patil waives notice for respondent no.1/insurer and learned counsel Mr. Choudhary h/f Ghonghade waives notice for respondent no.2.

(V.K. JADHAV, J.)

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