

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

**920 CIVIL APPLICATION NO.8898 OF 2016
IN FAST/16679/2016**

**SHIVAJI SAMBHAJI KHULE
VERSUS
THE SUPERINTENDENT ENGINEER, M.S.E.D.C. LTD.,
AHMEDNAGAR AND ANR**

Mr. R. L. Kute, Advocate for the applicant

Mr. U. S. Malte, Advocate for the respondent Nos. 1 and 2

CORAM : KISHORE C. SANT, J.

DATE : 25th AUGUST, 2023

P. C.

1. Learned advocate for the applicant at the outset submits that if the claim is allowed, the applicant would not claim interest for the period of delay. Said statement is accepted and recorded.

2. Heard the parties for sometime.

3. In this case the proceeding before the learned Commissioner for W. C. was decided on 19-08-2013. However, it

is submitted that the applicant had no knowledge about the said rejection. He was pursuing the authorities for compensation. It is only on 28-03-2016 it was communicated by the respondent that his application WCA came to be rejected. The applicant immediately on receiving this communication filed this application on 07-05-2016.

4. The main ground in this application is of not having knowledge of the impugned order.

5. Learned advocate for the respondent vehemently opposed the application stating that there is no sufficient reason made out to condone the delay, even while filing the claim petition he has lodged the claim petition after 23 years and Thus, the delay need not be condoned.

6. After hearing the parties, this court finds that the claim petition was decided on 19-08-2013. From the communication it is seen that applicant was not aware of the

impugned judgment passed by the learned Commissioner for W.C. Considering the above, this court finds that liberty needs to be given to the applicant to contest the matter. In view of the same, the application is allowed. Delay of 932 days caused in filing this application stands condoned.

7. Office to register the first appeal.

[KISHORE C. SANT, J.]

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