

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

38 CIVIL APPLICATION NO. 6450 OF 2023
IN FIRST APPEAL (ST) NO. 16058 OF 2023

SANT SHIROMANI MARUTI MAHARAJ SHET SAHAKARI
SAKHAR KARKHANA LTD THROUGH ITS MANAGING
DIRECTOR R.B. BARMAD
VERSUS
BIBHISHAN TUKARAM KATE AND ANOTHER

...
Mr. K.A. Kadam – Advocate for Applicant
Mr. G.L. Kedar – Advocate for Respondent Nos.1 and 2
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th August, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – appellant is seeking condonation of delay of 1743 days, which appears to be caused since the appellant – factory was closed from year 2012 and subsequently started in the year 2021 – 2022.
3. Learned Counsel for the respondents – claimants strongly opposed the application on the ground that, no reasonable cause is mentioned for condoning the delay. He

relied on the judgment of Hon'ble Apex Court in the case of *Majji Sannemma @ Sanyasirao Vs. Reddy Sridevi and Ors.*, in *Civil Appeal No. 7696 of 2021*, wherein the delay condone order passed by the concerned High Court in respect of delay of 1011 days, has been set aside for want of proper explanation of delay. However, there are other judgments are also available wherein the Hon'ble Apex Court has taken liberal view for condoning the delay.

4. In view of the same and considering the statutory right of the applicant, the delay of 1743 days stands condoned as the appellant – factory as already deposited amount of compensation with the concerned Court.

5. The appeal be placed for admission after removal of office objections, if any.

6. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE