

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 413/2020 F.A. St. No. 936/2020

Yogesh S/O Dattatraya Kharode Vs Smt. Seema Wd/O Yogesh Ingle And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Gaytri Dive, advocate h/f Mr P.R. Agrawal, advocate for the appellant.
Mr A.M. Kukday, advocate for the respondent No. 8.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/04/2023.

1. Heard.
2. This application is already disposed of as the stay was granted, however, a formal order was not passed to that effect.
3. In view of that, the civil application is disposed of.

Civil Application (CAF) No. 413/2020

1. The present application is for seeking condonation of delay in filing the appeal under Section 30 of the Employee's Compensation Act, 1923.
2. As per the contention of the appellant, he is the employer of the deceased. As per the allegations in the application and compensation amount is directed to be paid by him, being aggrieved by the same, he preferred this appeal. However, as per the contention of the appellant, due to financial constraints, he could not file the appeal in time. He is a rustic person, having no

knowledge about the seriousness of the law, therefore, he could not file the appeal in time.

3. The said application is strongly opposed by the learned advocate Mr A.M. Kukday for respondent No.8. None is present for respondent Nos. 1 to 7.

4. In view of the reasons mentioned in the application and considering that a liberal approach is to be adopted to do substantial justice, delay of 52 days is condoned.

Civil application is disposed of.

First Appeal St. no. 936/2020

The appeal be registered.

2. **Admit.**

3. Mr A.M. Kukday, learned advocate waives service of notice on behalf of respondent No.8/Insurance Company.

4. Issue notice to the respondent Nos. 1 to 7 on merit.

5. Filing of private paper-book is dispensed with.

6. Appellant to file necessary documents on record for the perusal of the Court and also to supply copies of the otherside.

7. Appeal be placed after filing of all relevant documents for final hearing.

JUDGE