

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION NO.2119 OF 2019

IN

FIRST APPEAL (ST.) NO.16817 OF 2018

(Gautam Ganeshchandra Das Vs. Ishwar Namdeo Kadwe and anr.)

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

Court's or Judge's Order

Ms Rohini Mankar, Advocate h/f Shri P.S. Mirache, Advocate for the appellant.
Ms A. Mategaonkar, Advocate for respondent No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 21, 2023.

Heard.

2. Present application is filed for condonation of delay which is caused in preferring the appeal for enhancement of compensation.

3. As per the contention of the applicant, he had sustained grievous injury to his left forearm with fracture of pelvis, and therefore, he is unable to move from one place to another. Moreover, he is suffering from financial crisis, therefore he could not file the appeal within time.

4. Notice to respondent No.1 is served through paper publication, none appears for him.

5. Mrs. Mategaonkar, learned Counsel raised objection on the ground that delay is not properly explained.

6. Heard both the sides. Perused the application.

7. The contention of the applicant that he was seriously injured is substantiated by the disability certificate and medical certificate.

8. In view of the reasons mentioned in the application and to give sufficient opportunity to the applicant to cause his litigation on merits, the delay of 41 days is condoned.

9. Civil application is disposed of.

FIRST APPEAL (ST.) NO.16817 OF 2018

Heard.

2. Appeal be registered.

3. Issue notice to the respondents, returnable in four weeks.

4. Place the matter after service of the respondents.

(URMILA JOSHI-PHALKE, J.)

**Divya*