

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CIVIL APPLICATION (CAF) NO. 220/2023 IN FIRST APPEAL
ST. NO. 19147/2022

Smt. Shanta Wd/O Santlal Dhurve And Others

Vs

Mr. V.C. Varghese S/O V.G. Baby And Other

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

Court's or Judge's Order

Mr M.R. Sable, advocate for the appellants/applicants.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/04/2023.

1. The present application is seeking for condonation of delay on the ground that the claimants have preferred the petition for grant of compensation on account of the accidental death of Santlal Dhurve, who was the husband of the applicant No.1 and father of applicant Nos. 2 and 3.

2. The appeal is preferred for the enhancement of the compensation as the tribunal has awarded inadequate compensation, however, a delay of 83 days is caused in preferring the appeal. Application is filed on the ground that the applicants have lost their earnings in an unfortunate accident. Thereafter, they could not get the compensation amount and therefore, they could not prepare to pay the Court fee stamp therefore, a delay of 83 days is caused. Though notices are served, none appeared for the respondents after sufficient opportunity.

3. In view of the reasons mentioned in the application and considering that the applicants claimed the compensation under beneficial legislation. Sufficient opportunity is required to be given to them to litigate their cause, they cannot be deprived of claiming the right of compensation on technical grounds.

4. In view thereof, the delay of 83 days deserves to be condoned. Civil Application is disposed of.

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The appeal be registered.

2. Issue notice to the respondents on merits.
3. Appeal be placed before the Court after service of all respondent in appeal.

JUDGE