



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12167 OF 2010
IN FAST/16493/2010

Laxmibai Kerbaji Darde & anotherApplicants

VERSUS

Shree Ganesh Movers & othersRespondents

Mr. K. M. Nagarkar, Advocate for Applicants.

Mr. A. S. Usmanpurkar, Advocate for Respondent Nos. 2 and 3.

CORAM : R. M. JOSHI, J.

DATE : 10th OCTOBER, 2025.

PER COURT :

1. This Application is for condonation of delay of 186 days in taking exception to the order passed under the provisions of Workman's Compensation Act, 1923.

2. Applicant No. 1 is the mother and Applicant No. 2 is the sister of deceased Devanand, who died in an accident occurred on 16.11.2003 while working on a container truck as a driver. This truck was owned by Respondent No. 1 and insured with Respondent No. 2. It is the case of the Applicants that on account of financial constraints so also ailment of Applicant No. 1, appeal could not be filed against the order impugned and there is delay of 186 days.

3. Though this Application is filed in the year 2010, Respondents have not filed any reply. The contentions of Applicants have gone unchallenged. In any case, this Appeal is in respect of enhancement of compensation granted in the provisions of Workman's Compensation Act and unless any malafides are shown, there would be no reason for refusing condonation of delay which is neither inordinate or deliberate. Hence, Application deserves to be allowed and accordingly allowed in terms of prayer clause 'B'.

4. First Appeal be registered.

5. Contention of learned counsel for Respondent No. 2 with regard to statutory interest would be considered at the time of final decision of the Appeal.

(R. M. JOSHI)
Judge

dyb