

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1643 OF 2025

Sunita Prashant Borannavar and ors. ... Petitioners
V/s.
Dattatraya Tukaram Jadhav and anr. ... Respondents

Mr. Abhishek Ingale with Ms. Divya Yajurvedi, Advocates for the Petitioners.
None for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 20 February, 2025.

PC. :

1. The petition challenges order dated 18th May, 2024 passed by Commissioner for Employees' Compensation and Judge Labour Court, Sangli rejecting the application seeking condonation of delay of seven years and nine months in filing the application for compensation.
2. I have heard Mr. Ingale, learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.
3. It appears that the accident occurred on 16th May, 2010 in which the husband of Petitioner No.1, father of Petitioners No.2 and 3 and son of Petitioner No.4 unfortunately passed away. Immediately after the accident, the Petitioners were advised to file claim before Member, Motor Accident Claims Tribunal, Sangli (**MACT**) on 29th September, 2010. The said claim was compromised in Lok Adalat on 4th March, 2012 and the family of the Petitioner received compensation of Rs.4,35,000/-. Eight years after receipt

of compensation from the MACT, Petitioners were advised to file a separate application claiming compensation against the employer and the Insurance Company on 17th February, 2010. Alongwith the said application, a separate application for condonation of delay of seven years and nine months was filed. However, in that application, petitioners did not even disclose the fact that they had filed proceedings before the MACT and had received compensation vide an order dated 4th March, 2012. Disclosure of information with regard to filing of MACT claim assumed importance both in the light of absence any inability for the Petitioners to litigate *qua* the claim compensation as well as the same being relevant information for considering the aspect of condonation of delay. However, Petitioners chose to suppress the information that MACT No.216 of 2010 was filed by them on 29th September, 2010 and the same was decided in their favour on 4th March, 2012.

4. If Petitioners were not prevented from exercising one remedy for claiming compensation in MACT, it becomes difficult to believe that they could be presented by any reasonable cause from exercising the other remedy. Apart from absence of any valid justification for condonation of inordinate delay, Petitioners are actually guilty of suppression of facts. The Application for condonation of delay has rightly been rejected. I do not find any valid ground to interfere in the order passed by the learned Commissioner.

5. Writ Petition is devoid of merits and is accordingly rejected.

(SANDEEP V. MARNE, J.)