



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**936 CIVIL APPLICATION NO. 12637 OF 2024
IN FAST/28936/2024**

Smt Meerabai Ravindra Dhole And Ors

VERSUS

Manojkumar Nimbaji Khairnar And Anr

...

Mr. Madhav Moreshwar Bhokarikar, Advocate for Applicant

Mr. Usmanpurkar Aniruddha S., Advocate for Respondent No.2

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 13.03.2026

PER COURT :-

1. Learned Advocate for the applicants pointed out the office endorsement, which shows that the notice issued to respondent No.1 has been received with the remark that the notice was served by affixing it on the door, however, panchnama was not made.

2 Learned Advocate for the applicants submits that the said formality was not done by the serving officer of the Court and, therefore, it is not necessary to re-issue the notice to Respondent No. 1.

3. There is deemed service and the service is completed on Respondent No. 1 as per the report of the serving officer. The

application to proceed in the absence of Respondent No. 1.

4. This is an application for condonation of delay of 726 days caused in filing the first appeal.

5. Learned advocate for the applicants submitted that the delay of 726 days caused in filing the first appeal was not deliberate. It occurred because the appellants were unable to manage the expenses required for filing the appeal. Therefore, he prayed to condone the delay.

6. Learned Advocate for respondent No.2 strongly opposed the application and submitted that there is no sufficient reason to condone the delay.

7. Perused the application. For the reasons stated therein, the application deserves to be allowed in the interest of justice as the delay is neither deliberate nor intentional. Hence the following order:

::ORDER::

- a. Civil Application is allowed.
- b. The delay of 726 days caused in filing the first appeal is condoned.

- c. It is made clear that in case the amount of compensation is enhanced, the appellants/claimants shall not be entitled to statutory benefits for the delayed period.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 17.06.2026.
2. Learned Advocate Mr. A. S. Usmanpurkar waives service of notice for Respondent No.2.
3. Call Record and Proceedings.

[SANJAY A. DESHMUKH, J.]

HRJadhav