



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 CIVIL APPLICATION NO. 10632 OF 2025
IN FAST/28223/2025

WITH
CIVIL APPLICATION NO. 10634 OF 2025
IN FAST/28223/2025

Dattatray Haribhau Shevale
VERSUS
Smt. Sunita Datta Kamble And Ors

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Mr. Reddy Avinash M, Advocate for Applicant

CORAM : Y. G. KHOBRAGADE, J.
Dated : 24th February, 2026

PER COURT :-

1. Heard learned counsel for the applicant. Despite service, non appeared for the non applicants.
2. On 05.01.2026, this court passed following order:

"The note appearing on the board appears that non-applicant Nos. 1 to 7 are duly served with notice. However, office note does not reflect about the same. Office to verify about service upon non applicant Nos.1 to 7 and place the matter before this Court on 27.01.2026."
3. On 27.01.2026, none appeared. Therefore, the matter was suo moto adjourned for today.
4. By the present application(Civil Application No. 10632/2025), the applicant prays for condonation of delay of 433 days caused in

filing appeal against the judgment and award dated 06.05.2024 passed by the learned Commissioner for Employees Compensation, Ahmednagar in Application W.C."C" No. 24 of 2022. It is submitted that the applicant had appointed another Advocate in Application W.C. "C" No. 24/2022 and a different counsel in the execution proceedings. Upon collecting all the relevant documents from the Tribunal, he has now managed to file the present appeal. The learned counsel for the applicant canvassed that delay is caused due to miscommunication and lack of procedural knowledge and law.

5. Needless to say that none of the non applicants appeared before this court despite service and they have not opposed the present application.

6. It is trite and well settled law that litigant should not suffer from receiving substantial justice on technical ground and the Court should be liberal while condoning the delay, if sufficiently and bona fide explained. The length of delay is immaterial if it is bona fide and sufficiently explained.

7. In the case in hand, the applicant contended that on 06.05.2024, the learned Commissioner for Employees Compensation passed the judgment and order in Application W.C. "C" No. 24/2022 and thereafter he was served with notice in execution proceeding bearing Misc. Application (WC) No. 15 of 2024 dated 12.09.2024 and

thereafter his counsel has conveyed him message about settlement of dispute between the parties and due to miscommunication of settlement between the parties, no action have been taken for filing appeal. Ultimately, on 12.08.2025, learned Executing Court passed an order below Exh.U-1 in Misc. Application (WC) No. 15 of 2024 and issued recovery certificate. Thereafter, on 19.08.2025, he applied for certified copies of the judgment and order dated 06.05.2024 and other necessary documents in execution proceedings and thereafter approached his counsel and filed the present appeal for which delay of 433 days caused.

8. In my considered view, explanation assigned by the applicant does not appear to be bona fide and justifiable because the present applicant/appellant, who is employer of deceased employee was having knowledge about the pendency of the proceeding under the Workmen's Compensation Act as well as the decision of the tribunal in execution proceeding. The applicant has produced a copy of the order dated 12.08.2025 passed by the learned Executing Court in Misc. Application (W.C.) No. 15 of 2024. Therefore, prima facie, it appears that the appellant/applicant has filed the present appeal only to avoid the liability of payment of compensation, and no bona fide or substantial grounds have been set out for condonation of delay. Hence, I am not inclined to allow the present application.

9. In view of the above discussion, the Civil application for condonation of delay is rejected. Consequently, the First Appeal (ST) No. 28223 of 2025 and Civil Application No. 10634/2025 also stand disposed of.

(Y. G. KHOBRAGADE, J.)

JPChavan