

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

**CIVIL APPLICATION NO.1976 OF 2014
IN
FIRST APPEAL (ST). NO.14698 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Devendranath S. Joshi for the applicant

Mr.A.M.Gokhale for the respondent no.2

Mr.T.J.Mendon for the respondent no.1

CORAM : K.K.TATED, J.

DATED : 26/06/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Insurance Company for condonation of 199 days delay in filing First Appeal challenging the judgment and award dated 25.7.2013 passed by Commissioner for Employees Commission and Judge, 6th Labour Court, Mumbai in Application (WCA) No.326/C-87/2012 by which the court held that the respondent claimant is entitled sum of Rs.4,50,634/- with 12% interest by way of compensation.
- 3 The learned counsel for the applicant submits that there is a delay in preferring the present First

Appeal in this court because of personal difficulty on the part of Advocate along with other reasons. He submits that they have good chance of success in the present proceeding. He submits that if delay is not condoned, irreparable loss and injury will be caused to the applicant.

4 On the other hand, the learned counsel for the respondent no.1 claimant vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of inordinate delay of 199 days in filing First Appeal. He submits that the reason given by the applicant about their advocate, there is a delay in filing First Appeal, cannot be treated as sufficient cause for allowing the present Civil Application. Hence, there is no substance in the present Civil Application and same be dismissed with costs.

5 I have heard both the sides at length.

6 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) The delay of 199 days in filing First Appeal may kindly be condoned.”

7 Civil Application is disposed of accordingly.

(K.K.TATED, J.)