

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.557 OF 2016
IN
FIRST APPEAL St.NO.14424 OF 2015**

The Regional Director Employees State Insurance Corporation & Ors Vs. M/s. Axa Business Services Pvt Ltd.	..Applicants ..Respondent
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**Mr. H. V. Mehta for the Applicants
Mr. Chetan Alai for the Respondent**

**CORAM : R. M. SAVANT, J.
DATE : 22nd JULY, 2016**

P.C.

1 At the outset, the Learned Counsel for the Applicant seeks leave to amend so as to correct the delay of “19 days to 109 days in the above Civil Application. Leave granted. Amendment to be carried out forthwith.

2 The above Civil Application has been filed seeking condonation of delay of 109 days in filing the above First Appeal. The reasons therefor are mentioned in the above Civil Application and revolve around the time taken to arrive at an administrative decision to file the Appeal. The Applicant/Appellant is the Employees State Insurance Corporation.

3 In my view, having regard to the fact that the Applicant /Appellant is the Employees State Insurance Corporation some indulgence

would therefore have to be shown on account of the fact that the Employees State Insurance Corporation has to adopt some procedure before a decision is taken to file an Appeal. The reasons mentioned in the above Civil Application can therefore be said to be plausible reasons for the delay that has occurred in filing the above First Appeal. The Learned Counsel appearing for the Respondent opposes the application, but ultimately leaves it to this Court. Having regard to the well settled dictum that a party should be allowed to prosecute its remedy on merits rather than being thrown out on technicalities, in my view, it is just and proper to exercise discretion in favour of the Applicant / Appellant. The Civil Application is accordingly allowed, resultantly the delay in filing the above First Appeal stands condoned. List the above First Appeal for admission on 5-8-2016. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]