

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

928 CIVIL APPLICATION NO. 12970 OF 2016
IN FAST/14761/2016 WITH CA/12971/2016 IN FAST/14761/2016

M/S. BHARAT INSULATION CO. LTD.
THROUGH ITS AUTH. SIGNATORY
MAKHANSINGH SUKHUWANTSING .. APPLICANT.

VERSUS

THE E.S.I.C. AURANGABAD
THROUGH ITS ASSISTANT DIRECTOR .. RESPONDENT.

...
Advocate for Applicant : Mr.A.B.Katkar h/f. Mr. Sagar S. Vidwans.
Advocate for Respondent sole : Mr. V. D. Sonwane.
...

CORAM : K.K. SONAWANE, J.

DATED : 13TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for the applicant. The learned counsel Mr. A. B. Katkar submits on behalf of Shri. S.S.Vidwauns, learned counsel for applicant on record that, he wanted to file some additional documents in this matter and he seeks accommodation. After perusal of the record of file it appears that, since July-2017, this Court granted opportunities to the respondent time and again for filing additional documents on record, but, there was no compliance of the order passed by this Court dated 10th July, 2017, for submitting additional documents on record. On last occasion, the matter came to be adjourned as Mr. Vidwauns, learned counsel had gone out of station. Today, again Mr. A.B.Katkar, learned counsel on instruction of Mr. Vidwauns seeks accommodation on the same ground for filing the additional documents. I find painful to adjourn the matter for hearing of application for condonation of delay. Therefore, I prefer to proceed further for hearing of the application for condonation of delay in absence of additional documents on record.

2. The learned counsel Mr. A. B. Katkar shown inability for hearing on the application for condonation of delay. Heard the learned counsel for sole respondent.

3. Perused the application. It appears that, there is delay of 582 days in filing the First Appeal against the impugned Judgment and Order passed by the learned Industrial Court/ ESIC Court, Aurangabad dated 26-06-2014, in Application (ESI) No. 7 of 2008. In view of reasons mentioned in the application, I do not find any impediment to condone the delay. Accordingly, the application for condonation of delay stands allowed in terms of prayer clause 'B'. The so-called delay of 582 days caused in filing appeal against impugned Judgment and Order is hereby condoned. Registry to take requisite steps for further process. Accordingly, the application for condonation of delay stands disposed of.

4. On registration of appeal, same be admitted.

5. The learned counsel for respondent waives service of notice for respondent.

6. After procedural formalities of print, etc., list the appeal for final hearing on merit in due course.

[K. K. SONAWANE]
JUDGE

rrd.