

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 227 OF 2017
IN
CIVIL REVISION APPLICATION (STAMP) NO. 10475 OF 2017

The Employees State Insurance Corporation	..	Applicant
vs.		
Kishore Bajranglal Pasari	..	Respondent

Mr. A. J. Jadhav for Applicant.
Mr. Surendra Kumar – Superintendent of ESIC – Applicant present.
None for Respondent.

CORAM : M. S. SONAK, J.
DATE: 31 AUGUST 2017

P.C :

- 1] Not on board. Upon production, taken on production board.
- 2] Heard Mr. Jadhav for the applicant. He points out that notice of this civil application has already been served upon the respondent and on the earlier occasion the Advocate also appeared for the respondent.
- 3] The civil application seeks condonation of delay of 103 days in instituting this civil revision application. The reasons for the delay has been explained in paragraphs 5 to 8 of the civil application. Sufficient cause has been made out. Accordingly, the civil application is allowed and the delay is condoned.

4] Civil application is disposed of in the aforesaid terms.

5] Mr. Jadhav submits that as against the amount of approximately Rs.77 lakhs determined by the learned trial Judge towards mesne profits, the applicants have already deposited a sum of Rs.25 lakhs before the executing court. He says that further amount of Rs.20 lakhs will be deposited within six weeks from today before the executing court, without prejudice to the rights and contentions of the applicant. This statement is accepted. The applicant is directed to deposit further amount of Rs.20 lakhs before the executing court within a period of six weeks from today.

6] In the meantime, there shall be a stay on the execution of the impugned decree to the extent it directs payment of mesne profits. Mr. Jadhav clarifies that the possession of the suit premises has already been handed over to the respondent and the applicant is no longer in possession of the suit premises.

7] Place this civil revision application for further consideration on 30th October 2017.

8] It is clarified that in case amounts of Rs.20 lakhs is not deposited before the executing court within six weeks from today,

the interim protection now granted shall stand vacated without any further reference to this Court.

9] Mr. Jadhav requests the court to record presence of Mr. Surendra Kumar – Superintendent of the applicant corporation. Accordingly, the same is recorded.

10] All concerned to act on authenticated copy of this order.

(M. S. SONAK, J.)

Chandka