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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 334/2016**

UNITED INDIA INS CO LTD Appellant

Through: **Mr. L.K. Tyagi, Advocate.**

versus

ASGARI KHATOON & ORS Respondents

Through: **Mr. S.N. Parashar, Advocate for R-1
& 2.**

**Mr. Sumeet Anand, Advocate for
R-3.**

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% 07.07.2017

FAO 334/2016 & CM No. 26251/2016

1. After arguments, this appeal is disposed of by a consent order that the Employee's Compensation Commissioner will decide the claim petition as also the application for condonation of delay in terms of the fifth proviso to Section 10 of the Employees Compensation Act, after giving both the parties opportunity to lead evidence on all aspects.

2. The impugned judgment dated 30.5.2016 is accordingly set aside and the matter is remanded to the Employee's Compensation Commissioner to decide the claim petition as also the application for condonation of delay, after giving opportunity to both the parties to lead evidence.

3. Parties to appear before the concerned Employee's Compensation Commissioner on 29th August, 2017.

4. Record of the Employee's Compensation Commissioner be sent back along with a copy of this order.
5. The amount deposited by the appellant before the Commissioner will continue to remain deposited there and will abide by the judgment which is now to be passed by the Commissioner.

VALMIKI J.

MEHTA, J
JULY 07, 2017
srb

