

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

CIVIL APPLICATION NO. 1170 OF 2017
IN
FIRST APPEAL (ST) NO. 10806 OF 2017

Manager, Kosac Engineering & Rubber Products
Ltd. ..Applicant

v/s.

Smt. Halima Rehman Mulla & Ors. ..Respondents

Mr. G.D.Talreja for the Applicant/Appellant
Mr. Shaikah Nasir Masah a/w. Vishal Jagwani for the Respondent
Nos.1 to 3.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 17th APRIL, 2018.**

P.C.

1. By this application, the applicant has sought to condone the delay of 1 year 341 days by excluding the time during which he had prosecuted the other proceeding.
2. The applicant herein has challenged the judgment and order dated 9th March, 2015 passed by the Labour Court, Solapur in Application (WC) No. 19 of 2012. The records reveal that the

applicants had filed a review application on 26th May, 2015 on the ground of fraud. The said application came to be dismissed on 22nd June, 2016. The applicant challenged the said order in Writ Petition filed on 15th November, 2016. The writ petition came to be dismissed on 20th February, 2017. The present application along with the appeal is filed on 15th April, 2017. Considering the fact that the applicant has filed the review application and writ petition, in my considered view, the period during which he had perused the said two application and petition needs to be excluded in terms of Section 14 of the Limitation Act. Hence, the delay if any stands condoned. The appeal be registered after removal of office objections, if any.

3. The learned Counsel for the applicant submits that the applicant has deposited compensation, as well as interest as directed by this Court vide orders dated 24.4.2017 and 16.02.2018. Since the applicant has already complied with the orders of this Court, the execution of judgment dated 9.3.2015 in Application (WC) No.19 of 2012 is stayed till the disposal of the appeal.

4. Application is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)