

\$~26

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

+ **FAO 63/2018 & CM APPL. 6087/2018, CM APPL. 6090/2018**

**OKARA ROADWAYS REGD**

..... Appellant

Through: Mr. Aatreya Singh, Advocate.

Versus

**TULSI DEVI & ORS**

..... Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

%

**16.02.2018**

CM APPL. 6089/2018

Allowed, subject to all just exceptions.

The application stands disposed-off.

CM APPL. 6088/2018 (Condonation of Delay)

This application seeks condonation of delay of 207 days in filing of the appeal against the impugned order awarding a compensation of Rs.7,49,064/- alongwith simple interest @ 12% p.a. in favour of respondent nos. 1 & 2, who are legal heirs of one Mr. Mohan who died on 16.10.2015 in the course of his employment. The compensation was granted under the Employees Compensation Act, 1923 by way of an ex-parte award. The applicant had moved an application for setting it aside but later on withdrew it. Thereafter, it chose not to pursue the matter. The only reason mentioned

for the non-filing of the appeal within time is, that one of the partners of the firm had fallen ill. Apart from the bare statement that one of the partners of the firm had fallen ill, there is nothing on record to show the nature of illness or medical treatment or the duration for which the said partner had been medically incapacitated from taking any steps for filing of the appeal. The averment is vague and otherwise not substantiated by documentary evidence. Furthermore, the reason mentioned is no persuasive ground to show that only the said “unnamed” partner of the firm could have pursued the appeal against the impugned order.

The application is without any justifiable cause for condoning the delay. Accordingly, it is dismissed.

FAO 63/2018 & CM APPL. 6087/2018, CM APPL. 6090/2018

Since, the application for condonation of delay has been dismissed, the appeal and all the other pending applications also stand dismissed.

**NAJMI WAZIRI, J.**

**FEBRUARY 16, 2018**

RW