

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2790 OF 2009
IN
FIRST APPEAL(STAMP) NO. 8643 OF 2009

The New India Assurance Co. Ltd. Applicant.

Vs.

Tej Bahadur Ramnarayan Tiwari & Ors Respondents

Mr. H. G. Misar for the Applicant.
None for the Respondents.

CORAM : K.K.TATED, J.
DATED : JUNE 20, 2019

P.C.

1 Heard learned counsel for the Applicant. Though Respondent No. 1 is duly served, no one is appeared on behalf of him when the matter is called out.

2. The office note shows that the civil application stand dismissed against Respondent No.2 as per learned Registrar's order dated 6th July 2015.

3. By this Civil Application, Applicant insurance company is seeking condonation of sixty six days delay in filing the First Appeal challenging the judgment and award dated 15th October, 2008 passed by the Labour Court in application (WCA) No. 612/222/2006 holding that the

Respondent/Claimant is entitled to sum of Rs. 2,52,777.60 by way of compensation with interest @ 12% p.a.

4. Considering the submission made by the learned counsel for the Applicant and averments in Civil Application, I am satisfied that the Applicant has made out the case for allowing this Civil Application.

5. Hence, the following order:

- a. Delay in filing the First Appeal is condoned.
- b. The Registry is directed to make appropriate noting on first appeal memo that the First Appeal stand dismissed against Respondent No.2.
- c. The Civil Application stands disposed of accordingly.
- d. No order as to costs.

(K.K.TATED, J.)