

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

**CIVIL APPLICATION NO.1387 OF 2010
IN
FIRST APPEAL (STAMP) NO.9053 OF 2010**

The New India Assurance Co. Ltd. ...Applicant

Versus

Mr. Sammerazma Rafique Khan ...Respondent

.....

Ms Jyoti Bajpayee for the Applicant.

Mr. Rahul Mehta I/b. M/s. KMC Legal Venture for the Respondent
No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd SEPTEMBER, 2019.

P.C.:-

By this application, the Applicant has sought to condone the delay of 305 days in filing the appeal against the impugned judgment and award dated 31st March, 2009 passed by the learned Commissioner for Workmen's Compensation and Judge, 1st Labour Court, Mumbai in Application (WCA) No.86/C-33/2006.

2. The application has been dismissed against the Respondent No.2 in view of the conditional order dated 11th March, 2014. However, the said order was subsequently recalled and opportunity was given to the Applicant to serve the Respondent No.2 within a

period of two weeks from the date of the order i.e. 26th February, 2015. The application filed by the Applicant to serve the Respondent No.2 by publication was also dismissed in view of non compliance of conditional order dated 24th August, 2018. Till date the Applicant has not taken any steps to recall the said order and consequently to serve the Respondent No.2.

3. Even otherwise the reasons stated in paragraph 4 of the application for condoning the delay do not disclose sufficient cause. Under the circumstances, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

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