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

**CIVIL APPLICATION No. 2412 OF 2010
IN
FIRST APPEAL (ST) No. 16332 OF 2010**

Bajaj Allianz General Insurance Co. Ltd. ...Applicant
Vs.
Mahesh Namdev Gaikwad and Anr. ...Respondents

Mr. D.S. Joshi for Applicant
Mr. T.J. Mendon for Respondent No.1

CORAM : SMT. BHARATI DANGRE, J.
DATE : SEPTEMBER 25, 2019

P.C.:

1. The present application is taken out seeking condonation of delay of 121 days in filing the first appeal. Being aggrieved by the judgment delivered by the Commissioner for Workmen's Compensation and Judge, 4th Labour Court at Mumbai on 16th November, 2009.

The application proceeds to state in paragraph 2 that the order was passed on 16.11.2009 and the certified copy was applied on 18.11.2009 and the same was ready on 2.1.2010 and the copy of the order was obtained by the concerned advocate on the very same day. The application also proceeds to state in paragraph 2 that after scrutiny of the judgment and order, it was forwarded to

their Pune Corporate Office in 2nd week of January, 2010 whereupon after studying the same, the Appellants were advised to file appeal. It is further stated before the Mumbai office could entrust the matter to the present Advocates, the certified true copy of the judgment and order got mixed up with the other office papers/ file and was not traceable for considerable time and it was traced out only on 16.11.2009. This has been sought to be put forth a ground for condonation of delay.

2. The learned counsel for the Respondents has vehemently opposed the application for condonation of delay.

3. I am satisfied that the applicant has come out with sufficient cause for condonation of delay and the same being procedural aspect which need not be looked out as technical ground, it is not expected for the insurance company to explain each and every day delay. The government or its agencies, deserve certain relaxation on account of procedural aspect since the files are required to be moved from one table to and in the course of such process, delay can be caused.

In such circumstances, delay of 121 days deserves to be condoned and is accordingly, the application for condonation of

delay is allowed.

I have also heard the parties on merits of the matter.

List the First Appeal for orders on 10th October, 2019.

[SMT.BHARATI DANGRE, J.]

V.A. Tikam