

ISM

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

**CIVIL APPLICATION NO. 1437 OF 2016
IN
FIRST APPEAL (ST) NO. 16537 OF 2015**

M/s. Hickson & Dadajee Pvt. Ltd.Applicant

V/s.

Employees State Insurance CorporationRespondent

Mrs. Rupali Rane i/b Mr. R. B. Rane for the applicant
Mr. H. V. Mehta for respondent

CORAM : K. K. TATED, J.

DATE : MARCH 15, 2019.

P.C.

Heard learned counsel for the parties.

2 By this Civil Application, applicant is seeking condonation of 1 year and 155 days delay in filing First Appeal challenging the Judgment and Award dated 31/10/2013 passed by Employees Insurance Court at Mumbai in (ESI) application no. 31 of 2011.

3 The learned counsel for the applicant submits that initially

they filed Writ Petition, thereafter same was withdrawn by an order dated 27/03/2015. Hence, there is delay in filing the First Appeal. She submits that in the interest of justice, this Court be pleased to condone the delay in filing the First Appeal and matter be heard on its own merits.

4 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and as earlier applicant filed Writ Petition No. 1590 of 2014 and same was withdrawn by an order dated 27/03/2015 and filed present matter in June 2015, I am satisfied that applicant has made out case for allowing the Civil Application. Hence, following order:

- (I) Delay of 1 years and 155 days in filing First Appeal is condoned.
- (II) Civil Application stands disposed of.
- (III) No order as to costs.

[K. K. TATED, J.]