

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

**CIVIL APPLICATION NO. 1446 OF 2016
IN
FIRST APPEAL (ST.) NO. 22472 OF 2015**

The Regional Director, Employees'
State Insurance Corporation

..... Applicant.

Vs.

Mumbai Cricket Association & Anr.

..... Respondents.

.....

H. V. Mehta for the Applicant.

Rahul Narlekar with D. Vaidya i/b. M/s. Warekar & Warekar for Respondent No.1

.....

**CORAM : K.K.TATED, J.
DATED : AUGUST 2, 2019**

P.C.

1 Heard Learned Counsel for the Parties.

2. By this Civil Application, the Applicant is seeking condonation of 96 days delay in filing the First Appeal challenging the Judgment and order dated 10th February, 2015 passed by the Employees' Insurance Court, Mumbai in Application (ESI) No. 44 of 2006.

3. The Learned Counsel for the Applicant submits that, before filing the application, they have to take permission from several departments. Therefore, there is delay in filing the First Appeal. He submits that they have good chance of success in the present proceeding. He submits that in the interest of justice, this

Hon'ble Court be pleased to condone the delay in filing the First Appeal. He submits that if the application is not allowed, irreparable loss will cause to the Applicant.

4. On the other hand, the Learned Counsel for Respondent No.1 vehemently opposed the present Civil Application. He submits that the Applicant has not shown sufficient cause for condonation of delay, of more than 96 days. Hence, there is no substance in the present Civil Application and the same to be dismissed with cost.

5. I heard both sides at length. It is to be noted that, before filing an Appeal on behalf of the Applicant, the Advocate has to take permission from several departments. Therefore, there is a delay to file the present Appeal.

6. Considering submission made by the Learned Counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out case for allowing this Civil Application. Hence, the following order:

- a. Delay in filing the First Appeal is condoned.
- b. The Civil Application stands disposed of accordingly.
- c. No order as to costs.

(K.K.TATED, J.)