

Amk

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

**CIVIL APPLICATION NO. 877 OF 2017
IN
FIRST APPEAL (STAMP) NO. 28958 OF 2016**

Employees State Insurance Corporation & Anr. .. Applicants
Vs.
M/s. Container Marine Agencies Pvt. Ltd. .. Respondent

Mr. Shailesh S. Pathak for the Applicants.

CORAM : K. K. TATED, J.
DATE : 3rd APRIL, 2019.

P. C. :

1. Heard learned Counsel for the Applicants.
2. Though the Respondents are duly served, no one appeared on behalf of the them, when the matter called out.
3. By this Civil Application, the Applicants are seeking condonation of 145 days delay in filing the First Appeal challenging the Judgment and order dated 17.03.2015 passed by the Employees Insurance Court at Mumbai in Application (ESI) No. 42 of 2006.
4. Considering the submissions made by learned Counsel for Applicants and averments in Civil Application, I am satisfied that the Applicant has made out case for allowing this Civil Application. Hence, following order :

- (i) Civil Application is allowed in terms of prayer Clause (a) which reads thus:

“(a) That the delay of 145 days in filing the Memo of Appeal may please be condoned and that the appeal be taken on record and ordered to be numbered.”

(ii) The Civil Application stands disposed of accordingly.

(iii) No order as to costs.

[K. K. TATED, J.]