

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.1548 OF 2015
IN
FIRST APPEAL (ST) NO. 30941 OF 2014
WITH
CIVIL APPLICATION NO. 1580 OF 2015

M/s. Govinda Fuel Station through
Mr. Manoj S. Chordia .. Applicant

Versus

Assistant Director Employee State
Insurance Corporation and Anr. .. Respondents

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Mr. Amey Deshpande for the Applicant.
Mr. Mahendra Agavekar a/w. Ms. Shraddha Chavan i/b. Mr. P. M.
Palshikar for the Respondent No. 1 and 2.

CORAM: BHARATI DANGRE, J.

DATED : 30th AUGUST, 2019.

P.C:-

1. Civil Application No. 1548/2015 is taken out by the applicant, seeking condonation of delay in setting aside the order passed by the Industrial Judge, Nashik (Application (E.S.I.) No. 4 of 2009), which came to be dismissed by the Industrial Judge in default. On being pointed out that the E.S.I.C. Court possess all

the powers of the Civil Court and is deemed to be Civil Court and is governed by the Code of Civil Procedure and therefore, the application for restoration can be filed before the said Court.

2. Learned counsel for the applicant seeks leave to withdraw the application with liberty to take appropriate steps before the Industrial Court. Needless to say that, if application for condonation of delay is taken out, Court shall deal with the same by granting benefit of period consumed while prosecuting remedy before a wrong forum.

SMT. BHARATI DANGRE, J.