

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2125/2016
with
First Appeal (ST) No.35739/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Kishor K. Malpathak for the Applicant Mr. Bhavesh V. Magam for Respondent Nos.1 to 5.

CORAM: K.K.TATED, J.
DATED : AUGUST 21, 2019

P.C.

1 Heard. This Application is for condonation of 122 days delay in preferring the appeal challenging the judgment and award dated 08.06.2015 passed by the Commissioner for Workmen's Compensation and 3rd Labour Court, Thane in application (WCA) No.326/B-85/2013.

2 The learned counsel for the Applicant submits that immediately after passing the the impugned judgment and award they filed Review application No.285/F/3/2015 to review the order dated 08.06.2015. He submits that the

review application is rejected by the Court below on 05.09.2015 and thereafter immediately they filed the First Appeal on 21.12.2015.

3 The learned counsel for the Applicant 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 they have good chance of success in the matter.

4 Considering the submissions made by the learned counsel for the Applicant and as the review application was decided by the Trial Court on 05.09.2015 and thereafter immediately the Applicant filed the present First Appeal in December 2015, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

- a. Delay in filing the First Appeal is condoned.
- b. The Civil Application stands disposed of accordingly.
- c. No order as to costs.
- d. The Appellant / Applicant is directed to remove all office objections in the First

Appeal on or before 27.09.2019, failing which the First Appeal shall stand dismissed without further reference to the court.

e. If all Office objections are removed within stipulated time as stated hereinabove, Office is directed to place the matter on board on 01.10.2019 for admission.

f. The learned counsel for the Respondents waives service.

(K.K.TATED, J.)