

C.M.P.No.9155 of 2018
in
C.M.A.SR.No.96478 of 2017

S.VAIDYANATHAN,J.

This Petition is filed seeking to condone the delay of 498 days in filing the above CMA SR.No.96478 of 2017.

2. On a perusal of the Affidavit accompanying this Petition, this Court does not find any genuine reason stated by the Petitioner to condone the delay.

3. However, learned counsel appearing for the Respondent submitted that the delay may be condoned, subject to payment of heavy costs and conditions.

4. This Court is of the view that in cases of similar nature, heavy costs need to be imposed with stringent conditions. Accordingly, **the delay of 498 days in filing the above Appeal is condoned**, subject to payment of costs of a sum of **Rs.5,000/- (Rupees Five Thousand only)** by the Petitioner/ESI Corporation, to the 1st Respondent/workman, within a period of **four weeks from the date of receipt of a copy of this order.**

5. It is made clear that, the said costs shall be recovered from the salary of the Officer, who is responsible for belatedly instructing the Standing Counsel for ESI Corporation in this matter, and it shall be reported to the Registrar General of this Court. An Affidavit shall be filed regarding deduction of salary from the concerned Officer. The ESI Corporation shall, at first pay the costs and then recover from the Officer concerned.

6. It is further made clear that if the cost imposed is not paid, the Civil Miscellaneous Petition will stand automatically rejected; on payment

S.VAIDYANATHAN,J.

(jas/aeb)

of costs, the Civil Miscellaneous Appeal shall be numbered, if it is otherwise in order, and listed.

7. This Civil Miscellaneous Petition is ordered accordingly.

20.12.2019

(jas/aeb)

Note to Registry: Mark a copy of this order to the 1st Respondent/workman.



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