

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 563 OF 2016
IN
FIRST APPEAL (ST) No. 22267 OF 2015

The Regional Director
Employees State Insurance Corporation
and Anr. ...Applicants
Vs.
The University of PuneRespondent

Mr. S.S. Pathak, for Applicant No.1 -ESIC
Mr. Yunus Vakharia i/b. Mr. Rajendra Anbhule for Respondent

CORAM : MADHAV J. JAMDAR, JJ.

DATE : SEPTEMBER 18, 2021

P.C. :

1. Heard Mr. S.S. Pathak, learned Advocate appearing for Applicant and Mr. Yunus Vakharia, instructed by Mr. Rajendra Anbhule, learned Advocate for Respondent No.1.
2. Mr. Pathak states that Applicant has instructed him to appear in the matter. He undertakes to file Vakalatnama within a period of four weeks.
3. Mr. Pathak states that there is a delay of 78 days in filing the first appeal. He submitted that the impugned judgment and order is dated 13th March, 2015 and the appeal is filed on 21st July, 2015. He submitted that therefore there is a delay of about 78 days in filing the appeal. He submitted that some time was

required for taking opinion of legal advisers about feasibility of filing the appeal and, therefore, some delay has occurred in that process.

4. Mr. Yunus Vakharia , learned Advocate for Respondent No.1 submitted that no sufficient reasons are set out and, therefore, he strongly opposed granting application for condonation of delay.

5. The factual aspect shows that the impugned order is dated 13th March, 2015. The Applicants applied for certified copy on 23rd July, 2015 and the certified copy was delivered on 23rd July, 2015. The appeal is filed on 21st July, 2015. The reasons are set out in paragraph 4 of the civil application. The delay is not inordinate. The reasons set out in paragraph 4 show that the papers were placed before different authorities and the legal advisers and after obtaining their opinion, the first appeal is filed. Therefore, this application seeking condonation of delay deserves to be allowed.

6. Civil Application is allowed and disposed of in terms of prayer clause (a). No order as to costs.

(MADHAV J. JAMDAR, J.)

VA Tikam