

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 564 OF 2016

IN

FIRST APPEAL (St) No. 17020 of 2015

The Regional Director

Employees State Insurance Corporation ..Applicant

Vs.

M/s. Deccan Industrial Services ...Respondent

Mr. S.S. Pathak, for Applicant -ESIC

Mr. M.G. Bagkar i/b. C.G. Patil for Respondent

CORAM : MADHAV J. JAMDAR, JJ.

DATE : SEPTEMBER 18, 2021

PC. :

1. Heard Mr. S.S. Pathak, learned Advocate for Applicant and Mr.M.G. Bagkar, instructed by Mr. C.G. Patil for Respondent.

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. There is delay of 29 days in filing this First Appeal. Mr. Pathak submitted that the impugned judgment and order is dated 9th March, 2015 and after taking legal advise, the First Appeal was filed on 22nd June, 2015. He submitted that in that process, there is delay of 29 days.

4. Mr. Bagkar, learned Advocate appearing for the Respondent submitted that the delay is not sufficiently explained and,

therefore, the delay condonation application be dismissed.

5. Perusal of civil application shows that the applicant applied for the certified copy of the judgment and order dated 9th March, 2015 on 11th March, 2015. The applicant received the certified copy on 23rd March, 2015 and the appeal is preferred on 22nd June, 2015. In paragraph 7 and 8, the applicant has set out the reasons for delay. The contents of paragraph 7 and 8 of the civil application shows that the papers of the case were put up before the various authorities and thereafter the decision was taken to file the first appeal. Therefore, there is a short delay of 29 days in filing the first appeal. The delay has been adequately explained in the civil application.

6. Thus, the civil application is allowed and disposed of in terms of prayer clause (a). No order as to costs.

(MADHAV J. JAMDAR, J.)

VA Tikam