

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 344 OF 2020
IN
FIRST APPEAL (STAMP) NO. 22031 OF 2019**

Employees State Insurance Corporation & Anr.	Applicants
<i>Versus</i>	
M/s. Man's Style	Respondent

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Mr. Shailesh S. Pathak for the Applicants.

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CORAM : SURENDRA P. TAVADE, J.

DATE : 22nd OCTOBER, 2021

P.C.

. This is an application for condonation of delay in preferring an appeal against the impugned judgment and order dated 06th October, 2018, passed by the Employees Insurance Court, Mumbai, in Application (ESI) No. 26 of 2014. It appears that there is delay of 215 days in preferring the appeal. It is contended that after the receipt of certified copy of the impugned judgment and order passed by the Employees Insurance Court, the papers were submitted to the panel advocate, but the panel advocate of the Applicants could not file the appeal in time. Hence, present Counsel was appointed to prepare an appeal and file the same in this Court, so there is delay of 215 days. It is also contended that there is no deliberated or intentionally delay caused by the Applicants.

2. Heard learned Counsel for the Applicants. It appears that the Applicant No. 1 is a corporation having panel of lawyers and it also appears from the contents of Paragraph No. 5 of the application that the lawyer, who was engaged for preferring an appeal, has not filed same for the best reasons known to him. Thereafter the present Counsel has taken charge of the file. It appears that due to administrative process the delay was caused. There is no deliberate or intentional act on the part of the Applicants, therefore, delay is required to be condoned. Hence, the following order:

ORDER

- i) The delay in preferring appeal against the judgment and order passed by the Employees Insurance Court, Mumbai, in Application (ESI) No. 26 of 2014 is hereby condoned. Civil Application No. 344 of 2020 stands disposed of.
- ii) Registry is directed to take appropriate steps for registration of the appeal and place it for hearing after four weeks.
- iii) Issue notice to the Respondent, returnable on 3rd December, 2021.

[SURENDRA P. TAVADE, J.]