

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

INTERIM APPLICATION NO. 3552 OF 2019

(For condonation of delay)

IN

FIRST APPEAL (STAMP) NO. 30594 OF 2019

1. The New Indian Assurance Co. Ltd. ... Applicant

Vs.

1. Smt. Riya Gajanan Chorghe

& 3 Ors.

... Respondents

.....

Mr. Devendra S. Joshi for applicant/appellant.

Mr. Jeeni Antony for respondents.

.....

CORAM : N.J. JAMADAR, J.

DATE : 4th October, 2021

PER COURT :

1. Heard the learned counsel for the applicant-insurer and the learned counsel for the respondents-original claimants.

2. This application is preferred for condonation of delay of 436 days in preferring the appeal against the judgment and award dated 25th June 2018, passed by the Commissioner for Employees' Compensation and Judge, Labour Court, Thane.

3. The learned counsel for the applicant submits that as the applicant has deposited the entire amount of compensation along with interest agreed thereon and the respondents-claimants have been permitted to withdraw a portion of the amount of compensation, the respondents do not propose to seriously assail

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the application for condonation of delay.

4. For the reasons assigned in the application and the fact that the entire amount of compensation has been deposited and the respondents-claimants have been permitted to withdraw a portion of the said amount, I am persuaded to condone the delay so as to advance the cause of substantive justice.

5. Hence, the following order :

O R D E R

- (i) The application stands allowed in terms of prayer clause (a).
- (ii) The delay in preferring the appeal stands condoned.

(N.J. JAMADAR, J.)