

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CAF NO.255/2019 IN FA ST.NO.28552/2018

Manik s/o Mangal Rathod

..VS..

Sau.Kailasbai Raju Atram and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri Tejas Deshpande, Counsel for the Applicant.

Shri M.V.Rai, Counsel for NA Nos.1 & 2.

Shri H.N.Verma, Counsel for NA No.3.

CORAM : V.M.DESHPANDE, J.

DATED : OCTOBER 26, 2021

1. Heard.
2. This is an application for condonation of delay in preferring a first appeal challenging judgment and award dated 13.8.2018 passed by learned Commissioner under Employees' Compensation Act, 1923 and Judge, Labour Court, Yavatmal in ECA Case No.15/2013. Delay is of 53 days.
3. The applicant is owner of offending vehicle and has suffered award.
4. In view of order dated 14.12.2020 passed by this Court (Coram : S.M.Modak, J.), learned counsel Shri Tejas Deshpande for the applicant has tendered a Pursis dated 10.1.2021. The said Pursis is taken on record and marked as Exhibit-X for purposes of identification.

5. In view of the said Pursis, permission is granted to withdraw the first appeal. However, the Court is not passing any order in respect of amount deposited by the applicant since the award is joint and several and issue will be decided when appeal filed on behalf of the Insurance Company is taken for final hearing.

6. With above observations, the civil application is dismissed as withdrawn.

7. The first appeal filed on behalf of the applicant/appellant also stands dismissed as withdrawn.

JUDGE

!! BRW !!

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