

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

**INTERIM APPLICATION NO. 93 OF 2019
IN
FIRST APPEAL (ST) NO. 25120 OF 2019**

M/s.Vijay Bhuvan

...Applicant

vs.

Assistant Director,

Employees State Insurance Corporation, Pune

...Respondent

Mr.Rahul Prakash Walvekar for Applicant.

CORAM : ANIL S. KILOR, J.

DATED : 25 JANUARY 2022

P.C. :

Heard learned Counsel for the Applicant. None for the Respondent, though served.

2. It is pointed out that there is a delay of 175 days in filing first appeal under Section 82 of Employees State Insurance Act, 1948 challenging the judgment and decree dated 6 December 2018 passed by the learned Judge of the Employees Insurance Court at Kolhapur in Application (ESI) No.2 of 2013 dismissing the Applicant's application under Section 75 of the Act, 1948.

3. It is submitted that the Applicant being a layman was not aware of the remedy of appeal available to him, however, after taking necessary legal advice in the first week of April 2009, steps were taken to file appeal, however, in doing so, the delay has been caused.

4. Learned Counsel for the Applicant states that the delay is not intentional but bonafide and it has been properly explained in the application. Therefore, it is prayed that the delay may be condoned.

5. After going through the application, more particularly, paras 4 and 5 of the application, I have found that sufficient cause has been shown by the Applicant for condonation of delay. Moreover, the Respondent has not filed any reply opposing the present application or disputing the fact stated in the application. In that view of the matter, I am of the view that the delay needs to be condoned.

6. Accordingly, I pass the following order :

ORDER

(i) The application for condonation of delay is allowed. The delay caused in filing the first appeal is condoned.

(ii) The office is requested to register the first appeal and place the same before the court for admission.

(ANIL S. KILOR, J.)