

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

**INTERIM APPLICATION NO. 20064 OF 2022
IN
FIRST APPEAL (STAMP) NO. 26510 OF 2022**

M/s. Fluidyne Instruments Pvt. Ltd. ... Applicant

IN THE MATTER BETWEEN

M/s. Fluidyne Instruments Pvt. Ltd. ... Appellant

Versus

Employees' State Insurance Corporation ... Respondent

.....

Mr. Aumkar Joshi, for the Applicant.

Mr. Sanoj Koran, for the Respondent.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 9th MARCH, 2023.

P.C.

1. This is an application seeking condonation of 980 days delay in filing the First Appeal.

2. Heard learned Counsel for the applicant and learned Counsel for the respondent.

3. Learned Counsel for the applicant submits that the delay had

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occurred since the Advocate appearing for the applicant had not intimated about the impugned judgment and order delivered by the Court on 11th December, 2019. He came to know about the said judgment only on 6th October, 2022. It is also submitted that due to Covid-19 Pandemic, the delay had occurred, which is bonafide and not intentional.

4. Learned Counsel for the respondent strongly objects by stating that if the delay is to be condoned, there is no merit in the Appeal and the reasons assigned by the applicant are not bonafide.

5. The reasons assigned in the application and having heard learned Counsel for the parties, delay stands condoned subject to costs of Rs.4000/- to be paid to the Maharashtra State Legal Services Authority within two weeks from today.

6. After depositing the costs, Registry to number the Appeal.

7. Application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]