

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

CIVIL APPLICATION NO.3383 OF 2019

IN

FIRST APPEAL (ST.) NO.12068 OF 2019

(Shriram General Insurance Co. Ltd. Vs. Sk. Amin Khan @ Rasul s/o Shiraj Khand and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri G.I. Dipwani, Advocate for the appellant.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- FEBRUARY 13, 2023.

By preferring this application, the appellant-Insurance Company seeking condonation of delay of 219 days which is caused in preferring the appeal.

2. As per the contention of the appellant, present appeal is preferred against the judgment and award passed by the Commissioner under the Employee's Compensation Act, Labour Court, Amravati.

3. The Commissioner has awarded the compensation amount which is excessive and exorbitant one, and therefore, the appellant has challenged the same. It is submitted on behalf of the appellant that the Insurance company has a body corporate which has to obtain the necessary approvals from the higher officials before preferring the appeal wherein the time is consumed, and therefore, delay is caused. Delay is not intentional one and there is sufficient and reasonable cause for condonation of delay.

4. Notice of the stay application though served on the respondents-original claimants, none appeared for them.

5. Heard Shri Dipwani, learned Counsel for the appellant. He reiterated the same contentions and submitted that the delay is not intentional one.

6. In view of the reasons mentioned in the application, delay of 219 days is condoned. The application is disposed of accordingly.

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Appeal be registered.

2. Issue notice to the respondents, returnable to four weeks.

3. Call for R. & P.

4. Paper book is dispensed with. Appellant to file necessary documents on record for final hearing.

CIVIL APPLICATION NO.3384/2019

By preferring this application, the appellant is seeking stay to the impugned judgment and decree passed by the Commissioner under the Employee's Compensation Act, Labour Court, Amravati in WCA No.03/2012.

2. Shri Dipwani, learned Counsel for the appellant submitted that the appellant had already deposited the entire amount of compensation before the Labour Court, Amravati on 29/04/2019.

3. Receipt is placed on record along with Pursis.

4. Pursis is taken on record and marked as 'A' for identification.

5. In view of the fact that the appellant has already deposited the entire amount of compensation, the execution, operation and implementation of the impugned judgment and decree dated 05/09/2018 passed by the Commissioner under the Employee's Compensation Act, Labour Court, Amravati, is stayed till final disposal of the appeal.

6. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*