

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

**INTERIM APPLICATION NO.824 OF 2024
IN
FIRST APPEAL NO.269 OF 2021**

The Director,
In-Charge Employees State Insurance
Corporation, Mumbai

..Applicant/Appellant

Versus

M/s. Sanjay Maintenance Services Pvt. Ltd.
Mumbai

..Respondent

Ms. Seema K. Chopda, for the Applicant/Appellant.

CORAM : KISHORE C. SANT, J.

DATE : 7th MARCH, 2024

PC.

1. This Application is filed seeking restoration of First Appeal No.269 of 2021, which was dismissed in view of the order passed by learned Registrar (Judicial-II) of this Court dated 21st July, 2023.

2. In the First Appeal, this Court had issued notice to Respondent. Office report however shows that the notice could not be served for want proper address. In view of that the steps were directed to be taken. The Registrar observed that no steps are taken to serve Respondent and passed conditional order and rejected the

Appeal. Learned advocate submits that in fact the address of the Respondent is the same which is given in the Appeal. She has also produced on record the copy of private notice which was sent on the same address showing that there is endorsement of receipt of notice. She has also annexed copy of the certificate issued by Assistant Director of ESI Corporation showing the address of Respondent as given in the Appeal. This Court thus found that there is no mistake on the part of the Appellant. So far as delay is concerned, it is stated that delay is caused because of communication gap between the office and learned advocate. There is sufficient reason to condone the delay. Hence, the following order :-

- i) The Application is allowed.
 - ii) Delay stands condoned.
 - iii) First Appeal No.269 of 2021 is restored to its original position.
3. Applicant/Appellant to take necessary steps within four weeks.
4. The Application stands disposed of.

[KISHORE C. SANT, J.]