

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 445 OF 2025

Hardip Singh Karam Singh

....*Petitioner*

: *Versus* :

Lakhbir Pritam Singh & Ors.

....*Respondents*

Ms. Kalpana Trivedi, *for the Petitioner.*

CORAM : SANDEEP V. MARNE, J.

Dated : 20 March 2025.

P.C. :

1) The petition challenges the order dated 14 December 2023 passed by the learned Commissioner for Employees Compensation and Judge, Third Labour Court, Mumbai rejecting Condonation of Delay Application (ECA) No.5/2022 filed seeking condonation of delay in moving the restoration application.

2) I have heard Ms. Trivedi, the learned counsel appearing for the Petitioner and considered the submissions canvassed by her.

3) The Learned Judge has recorded finding of suppression of facts by the Petitioner while moving an application for condonation of delay. It appears that the accident occurred on 2 July 2008 and the claim application was filed with delay of one year and five months. The said delay was condoned and the application was registered. However, on

account of failure on the part of the Petitioner to lead evidence, the claim application was dismissed on 30 October 2010. The restoration application was filed in the year 2015 which again came to be dismissed for non-prosecution on 5 October 2017. Dismissal of this application was not pleaded by the Petitioner. Thereafter, second application for restoration is filed in the year 2021 in which again there was delay and therefore application for condonation of delay was moved. The Learned Judge has observed that the Petitioner is himself not sure as to which proceedings are sought to be restored. Since earlier application for restoration was also dismissed for default, the restoration of that application ought to have been sought. However, Petitioner apparently sought restoration of the main application. Considering the negligent conduct of the Petitioner in prosecuting the claim application, I am not inclined to exercise jurisdiction under Article 227 of the Constitution of India. The petition is accordingly **rejected.**

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[SANDEEP V. MARNE, J.]