



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

CIVIL APPLICATION (CAF) NO. 1137 OF 2024

and

CIVIL APPLICATION (CAF) NO. 1138 OF 2024

in

FIRST APPEAL STAMP NO. 7298 OF 2024

(ICICI Lombard General Insurance Co Ltd Vs. Vishnu Arjun Sanap and anr)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.D. Bhuibhar, Advocate for the applicant/appellant.
Mr. R.N. Ghuge, Advocate for non-applicant No.1.

CORAM : ABHAY J. MANTRI, J.

DATED : 08-08-2025

Heard.

2. The applicant has filed this application to condone the delay of 19 days caused in preferring the appeal, for which learned counsel for respondent No. 1 has objected as no sufficient cause has been mentioned in the application.

3. Having gone through the application and impugned judgment, I do not find substance in the objection. On the contrary, it appears that the reasons disclosed in the application are sufficient to condone the delay. In view of the same, the application is allowed. The delay of 19 days in filing the appeal is condoned. Appeal to be registered.

CIVIL APPLICATION (CAF) NO. 1138 OF 2024

The applicant submitted that it has deposited the entire compensation amount along with interest with the Commissioner for Employees' Compensation and the Judge Labour Court, Buldhana and therefore, urged to grant a stay to the impugned judgment and order. The other side has objected to the grant of stay. However, considering the reason and the fact that the appellant has deposited the entire

amount, I find no substance in the objections. As such, application is allowed in terms of the prayer clause 1.

FIRST APPEAL STAMP NO. 7298 OF 2024

Learned counsel for appellant has drawn my attention to the findings recorded in paragraph 24, by learned Commissioner for Employees Compensation and Judge Labour Court, Buldhana and urged that said finding itself indicates that no amount of the premium was credited in the bank account of the insurance company. He has also pointed out substantial questions of law framed by the appellant in paragraph 8 of the application. Having gone through the judgment and substantial question of law, I am of the view that the applicant rightly frames the substantial question of law; hence, I would like to frame the substantial question of law as under:

‘Whether the finding recorded by the learned Commissioner in fastening the liability on the insurance company to pay the compensation, in the absence of the credit of the premium amount in the bank account of the appellant by the employer/respondent No.2 ?’

2. In view of the above, the appeal is ‘Admitted’.
3. Issue notice to respondents, returnable in four weeks.
4. Mr. Ghuge, learned counsel, waives notice for respondent No.1.
5. Call for record and proceedings.

(ABHAY J. MANTRI, J.)

Belkhede