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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 389/2016**

M/S AMBALA PATIALA TRANSPORT COAppellant

Through: Ms. Ekta Chaudhary, Advocate.

versus

PRATAP SINGHRespondent

Through: Mr. R.K. Nain, Ms. Pratima N. Lakra and Mr. Chandan Prajapati, Advocate.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **09.09.2025**

CM APPL. 29553/2016 (by appellant for condonation of delay 357 days)

1. The appellant, vide the present application, seeks condonation of delay of 357 days in filing of the captioned appeal.

2. During the course of arguments, learned counsel for the appellant has handed over a copy of an application filed for certified copies of the all the documents/ entire file, which is taken on record, to show that the delay occurred due to factors such as procuring the complete paper book of the trial record and changing of the earlier counsel by the appellant.

3. Learned counsel for the appellant then draws attention of the Court to *paragraph no. 3* of the order dated 27.02.2019, which reads as under:-

“3. The learned counsel for the applicant has handed over two copies of the Manager's Cheques/Demand Drafts in favour of Commissioner Employees Compensation for Rs.2,16,2711- and Rs. 3 lacs in terms of the impugned Award dated 20.05.2015. She submits that the amount has been deposited with the Commissioner Employees' Compensation.”

4. Placing reliance upon the aforesaid order, she submits that as a



matter of record the entire compensation amount has already been deposited with the Commissioner Employees' Compensation.

5. She prays that considering the factual matrix involved as also the conduct of the appellant, the present application should be allowed.

6. On the other hand, learned counsel for respondent relying upon the judgment passed by the Hon'ble Supreme Court in ***Pratap Narain Singh Deo Vs. Srinivas Sabata & Anr.*** (1976) 1 SCC 289 submits that since the appellant did not pay the compensation amount to the respondent at the time of passing of the order dated 21.05.2015, the captioned appeal is *per se* not maintainable.

7. For the reasons stated in the application as also since the appellant has already deposited the compensation amount with the Commissioner Employees' Compensation, this Court deems it appropriate to condone the delay and allow the present application, *albeit*, subject to the appellant paying a cost of Rs.20,000/- to the learned counsel for respondent within a period of two weeks.

8. Accordingly, the present application is allowed and is disposed of.

FAO 389/2016 & CM APPL. 29552/2016-Stay

9. Learned counsel for the parties seek, and are granted, a period of four weeks to file their respective written synopsis not exceeding *three* pages, giving a chronological list of dates and events and relevant documents, if any, alongwith duly highlighted judgments setting out the propositions of law therein, they wish to rely upon.

10. Renotify on 16.01.2026.

SAURABH BANERJEE, J.

SEPTEMBER 09, 2025/NA