

Party Name : ICICI LOMBARD GENERAL INS. CO. LTD Vs ANITA SINGH & ORS

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

This is an application for condonation of delay.

I am not at all satisfied with the grounds given for condonation of delay. The award in the present case was announced on 20th March, 2014. The application for certified copy was made on 18th May, 2014 and the copy was delivered to the petitioner-insurance company on 6th June, 2014. Therefore, appeal was to be filed latest by 8th July, 2014. Insurance companies have very well paid staff of their own. They also have very senior counsel as their legal advisors. So it can be assumed that the insurance company knew that the limitation for filing an appeal was 90 days.

The file was sent to the Guwahati office of the insurance company on 7th June, 2014. It is expected that the Guwahati office knew that the appeal had to be filed by 8th July, 2014. All that is stated is that the file was moved from one table to another and lastly on 25th September, 2014 a decision was taken to file the appeal. There is no explanation worth the name that why it took the insurance company more than three and half months to decide whether an appeal should be filed or not.

The matter does not end here. The record was received in Agartala from Guwahati with the opinion that appeal should be filed on 4th October, 2014 and when the file was sent to the counsel on 5th October, 2014 the appeal was drafted on 15th October, 2014 and should have been filed immediately thereafter. Again the file was dealt with a very casual manner and the file was sent to the Guwahati office along with the grounds of appeal on 16th October, 2014 by registered post and received at Guwahati on 24th October, 2014. At Guwahati the file was not dealt with for almost 7 months. It took the Guwahati office of the insurance company almost 7 months to sign the documents and send back the same to Agartala. Once the Guwahati office of the insurance company had already taken a decision to file an appeal and the duly completed appeal was received by it on 24th October, 2014 I fail to understand why the documents were not sent back within 2/3 days at the latest. There is no explanation worth the name why the file remained at Guwahati from 24th October, 2014, to 5th May, 2015. Even thereafter the appeal was not filed because the draft by which the appeal money has to be paid has expired. The appeal was filed on 8th October, 2015. Therefore, it took the insurance company more than five months to only get the draft revalidated and file the appeal. At every stage there has been callous delay and therefore, I see no reason even to issue notice in this application which is, accordingly, dismissed.