

Party Name : ORIENTAL INS. CO. LTD Vs SMT. ROHINI ROY (DEBBARMA) & ORS

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

Heard learned counsel for the parties.

This is an application for condoning the delay of 273 days in filing the appeal.

The explanation given by the insurance company is as usual only the chronological description of the dates how the file moved from one office to the other. Other than giving details about the movement of the file there is virtually very little explanation with regard to the occurrence of the delay. However, one fact is clear that the insurance company was proposing to file the appeal and the file was sent to Guwahati for approval of the Divisional authority of Guwahati as far back as on 18th April, 2014 and was received back from Guwahati sometimes in September or October, 2014. Thereafter the appeal was filed on 7th November, 2014.

It is settled law that as far as possible dispute should be decided on merits. No doubt the explanation for condoning the delay is not wholly satisfactory but this Court cannot lose sight of the fact that public sector insurance companies are dealing with public funds and it is also the duty of the Court to ensure that just compensation is paid to each and every victim. Therefore, though the delay in filing the appeal is condoned, it is made subject to payment of Rs.10,000/- as costs. The costs to be paid to the High Court Bar Association, Tripura and to be utilized only for purchase of books. The insurance company shall be at liberty to recover this amount of Rs.10,000/- imposed upon it from the erring official(s).

Costs be deposited within 6(six) weeks.

CM application is disposed of.