

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No.865 of 2010 IN/AND
 FAO No.122 of 2010
 Date of Decision:31.10.2015

HMT Pinjore and another

....Appellants

Versus

Rattan Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Argued by: Mr. Arvind Kashyap, Advocate for the appellants.

Mr. Mohit Setia, Advocate for
 Mr. Gaurav Chopra, Advocate for respondent No.1.

Mr. Suvir Dewan, Advocate for respondent No.2-
 Oriental Insurance Company Ltd.

NAVITA SINGH, J.

CM No.865 of 2010

1. Though arguments were heard in the appeal as well as civil miscellaneous application together, the application regarding condonation of delay is to be decided first.

2. There was huge delay of 865 days in filing the appeal and the reason given is not at all convincing. Simply saying that the appellants were under the impression that liability was on the Insurance Company, cannot help them. Appellant No.1 is the HMT Pinjore and no process can take place in the office of such a Company without putting the same in black and white. There was nothing to show as to through which document knowledge was derived and why there was an impression that the Insurance Company would be liable, though the appellants should have been aware of the award as they had earlier appeared before the Tribunal and filed a written statement but then chose not to appear later on. They were thus not bothered about the result of the claim petition because had they been concerned about it, they would have contested the

matter till the end. No ground for condoning the delay is made out. The application is dismissed.

FAO No.122 of 2010

Since the application for condoning the delay has been dismissed and the appeal is hopelessly time barred, the same also stands dismissed.

**(NAVITA SINGH)
JUDGE**

31.10.2015
Ishwar

Whether to be referred to reporter: Yes/No