

**IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH**

-.-

**F.A.O No. 892 of 2015 (O&M)
Decided on : February 18, 2015**

Jaidev & Anr.

... Appellants

Versus

Oriental Insurance Co. Ltd. & Ors.

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Parminder Singh, Advocate, for the appellants.

Mahavir S. Chauhan, J. (Oral)

C.M No. 2437 – CII of 2015

Heard.

By way of this application, applicants-appellants pray for condonation of delay of 823 days in filing the appeal.

It is so stated in the application and is argued by learned counsel for the applicants-appellants that on receipt of notice for putting in appearance in execution of award on 31.01.2015, they contacted the counsel and made an application for getting certified copy of the award on 17.01.2015, which was received by them on 22.01.2015 whereafter, on arranging the counsel fee, they contacted their counsel in the High Court and filed this appeal.

It is settled law that delay of each and every day has to be

explained to the satisfaction of the Court, but in this case no explanation is coming forth. Even the application for obtaining a certified copy of award dated 30.07.2012 is shown to have been made on 17.01.2015 i.e. much after expiry of the period prescribed for filing an appeal. No explanation is coming forth as regards the interregnum. The case pleaded is that applicants-appellants came to know of the award only on receipt of notice calling upon them to appear on 31.01.2015. However, a perusal of the impugned award would show that the applicants-appellants were being represented before the learned Tribunal by their counsel when the matter was decided and appearance of a counsel is deemed to be appearance/knowledge of the party, he represents.

In view of this, I do not find any reason to condone the delay of 823 days in filing the appeal. Consequently, the application for condonation of delay in filing the appeal is dismissed.

F.A.O No. 892 of 2015

In view of dismissal of application for condonation of delay, the appeal does not survive and is disposed of accordingly.

February 18, 2015
tripti

[Mahavir S. Chauhan]
Judge