

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

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CM Nos.17310-11-CII of 2015 and
FAO No.5506 of 2015 (O&M)

Date of Decision: February 19, 2016

Reliance General Insurance Company Ltd., Chandigarh

...Appellant

Versus

Savitri and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Nitin Mittal, Advocate
for Mr. Subhash Goyal, Advocate
the applicant-appellant.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM Nos.17310-11-CII of 2015 and
FAO No.5506 of 2015

Prayer in this application is for condonation of delay of 91 days
in filing the appeal.

The reason which has been given in the application is that after
the passing of the award dated 24.11.2014 by the Commissioner under the
Employee's Compensation Act, 1923, Rohtak, the said award and the
records pertaining thereto, were examined in the office of the applicant-
appellant-Insurance Company and a decision was taken to file the appeal.
Thereafter the counsel was engaged and papers were sent to him for
preparing the appeal which has resulted in the delay of 91 days in filing the
appeal.

The application is bereft of even the skeletal information which
is required to be there with regard to the process of the decision taken by
the Insurance Company to file the appeal. No dates, whatsoever, have been
mentioned as to when the copy of the award was applied for; when the same
was received; the date of receipt of the records along with the award; the

is not even mentioned as to who had taken the decision to file the appeal. The date on which the counsel was approached and his date of engagement also has not been mentioned and the time taken to prepare the appeal and thereafter filing the appeal has not been recorded in the application.

What to say of the satisfaction of the Court, there is nothing worth mentioning which could be stated to be available on the file which would explain the delay in filing the appeal. The delay is totally unexplained and, therefore, the application deserves dismissal, however, the matter has been considered but the same is also found to be in accordance with and covered by the judgment passed by the Supreme Court in *Mackinnon Mackenzie and Co. Pvt. Ltd. Versus Ibrahim Mahommed Issak, AIR 1970 SC 1906* on which reliance has been placed by the Commissioner and thereafter the details with regard to the facts of the present case and the effect of the judgment of the Supreme Court has been mentioned. The reasoning, as has been assigned by the Commissioner under the Employee's Compensation Act in the impugned award dated 24.11.2014 cannot be faulted with.

In view of the above, the application for condonation of delay of 91 days in filing the appeal, stands dismissed, as a consequence thereof, the appeal is dismissed as being time barred.

In the light of the dismissal of the appeal, the application for stay i.e. CM No.17311-CII of 2015, stands disposed of as infructuous.

February 19, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE