

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

**FAO No.7589 of 2016 (O & M)
Date of Decision:-08.2.2017**

National Insurance Company Limited

...Appellant

Versus

Baljinder Kaur and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Satpal Dhamija, Advocate for
Mr. B.R. Madan, Advocate
for the appellant.

HARI PAL VERMA J.

C.M. No.25760-CII of 2016

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 169 days in filing the appeal.

The MACT, Ludhiana has pronounced the award on 23.2.2016, whereas the application for supply of certified copy of the orders was moved on 24.2.2016. The certified copy of the order was prepared on 3.3.2016, and the same was received on 9.3.2016. The limitation to file the appeal was 90 days, but it could not be filed within the prescribed period of

limitation for the reason explained in the application.

Learned counsel for the applicant has argued that the certified copy of the order was made available in the office on 9.3.2016. It was sent for the opinion to the concerned Divisional office at Ludhiana with recommendations to file the appeal. Accordingly, the file was sent to the Regional Office and was dealt with in the Regional Office, at Chandigarh. It is further submitted that earlier two Regional Offices were operating for Punjab and Haryana separately at Chandigarh, but in the new financial year i.e. 2016, both the Regional offices have been merged and created hub to deal with the legal cases for the entire region of Punjab and Haryana. After this decision, legal files from the Regional Office of Haryana region were shifted to the Regional Office of Punjab but due to this exercise, files of the present cases as well as some other files were got mixed up with the files of Haryana region, which were shifted to the building of Regional Office of Punjab region. Till the time the files of the present cases could be traced out, the limitation period was expired and in this manner, the delay of 169 days has been occurred.

I have heard learned counsel for the applicant.

For the reasons stated in the application that earlier there were two regional offices operating for Punjab and Haryana separately, and thereafter, the authority has taken the decision to club both the regional offices, this Court finds that there are sufficient reasons to condone the delay in filing the appeal. Accordingly, the application is allowed and the delay of 169 days in filing the appeal is condoned.

FAO No.7589 of 2016

Dismissed.

For reasons see **FAO No.7587 of 2016**, titled 'National Insurance Company Ltd. vs. Amarjit Kaur and others', decided on 08.2.2017.

February 08, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No