

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4857 of 2017 (O&M)
Date of Decision: 08.08.2017

IFFCO TOKIO General Insurance Company
Limited

... Appellant

Versus

Rajesh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ajay Singla, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

There is a delay of 33 days in filing the appeal by the Insurance Company. The explanation offered is as follows:-

“2. That the award was passed by learned Tribunal, Jhajjar on 28.02.2017 and certified copy of the same was applied on 01.03.2017, thereafter, it was prepared on 03.04.2017 and delivered on 05.04.2017. The learned Counsel who conducted the case before the learned Tribunal sent the certified copy to the dealing Office of the appellant at New Delhi. The copy of the judgment was further sent to the Head Office of the appellant at Gurgaon, where it has been checked and found the present case is fit for filing appeal for the grounds taken in appeal and thereafter according to procedure it was received by the undersigned counsel and the undersigned counsel after drafting the appeal sent the same to the head office for approval and signatures and in this process the delay of 33 days has occurred in filing the appeal which is neither intentional, nor mala fide but due to the reasons mentioned above.”

I hardly find the above explanation to be sufficient caused for

delay in filing the appeal by the Insurance Company which has all the wherewithal and the counsel at command.

The Supreme Court in Office of the Chief Post Master General & ors. v. Living Media India Ltd. & Anr., 2012(2) S.C.T. 269 has observed as under :

“13. In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of for Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

In view of the above, the application for condonation of delay in filing the appeal as well as main appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

08.08.2017
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No