

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5314 of 2017 (O&M)
Date of Decision: 08.08.2017

National Insurance Company

... Appellant

Versus

Kulwinder Ram and others

... Respondents

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

Present: Mr. Sukhdarshan Singh, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

There is a delay of 48 days in filing the appeal by the Insurance Company. The explanation offered is as follows:-

“2. That the appeal pertains to the Division Officer, of the appellant/insurer at Jalandhar and the Regional Office being located at Chandigarh, the decision to challenge the order is taken by the competent authority at Chandigarh and the delay has been caused in proceedings the file from lower to higher hierarchy of the company and the file is to pass through many hands before decision to file appeal before Hon'ble High Court.

3. That the delay neither willful nor intentional but has been caused due to the position explained 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

manju

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*