

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5376 of 2017 (O&M)

Date of Decision:11.08.2017

IFFCO TOKIO General Insurance Company Limited

... Appellant

Versus

Sushil Kumar & others

... Respondents

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

Present: Mr. Ravinder Arora, Advocate,
and Mr. Neeraj Khanna, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

There is a delay of 58 days in filing the appeal by the Insurance Company. The explanation offered is as follows:-

“ 2. That after the order passed by the Motor Accident Claims Tribunal, Bathinda, certified copy of the order was applied by the counsel for the insurance company. The same was prepared on 02.01.2017. After the receipt of the certified copy the same was sent to the Office by the counsel. After processing the same the decision was taken to file the appeal and file was handed over to undersigned counsel. Thus, in that process delay of 58 days has been occurred.

3. That the delay in filing the appeal neither intentional nor deliberate.”

There is a delay of 30 days in refiling the appeal by the Insurance Company. The explanation offered is as follows:-

“2. That the delay in re-filing the appeal has occurred due to bona-fide reasons. The appellant had to ascertain certain facts regarding the objections put for by the registry and after due compliance the appeal is being re-filed.

3. That delay in refiling the appeal has occurred due to bona-fide reasons and is not on account of the negligence or laxity of the appellant.

I hardly find the above explanation to be sufficient cause for delay in filing and refiling the appeal by the Insurance Company which has all the wherewithal and the counsel at command to act promptly within limitation provided for appeals.

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 and refiling the appeal as well as main appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

11.08.2017
neeraj

Whether speaking/reasoned Yes/No

Whether reportable Yes/No