

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5437 of 2017 (O&M)
Date of Decision: 21.08.2017

The Oriental Insurance Company Ltd

... Appellant

Versus

Smt. Rajinder Kaur and others

... Respondents

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

Present: Mr. Ram Avtar, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

There is a delay of 32 days in filing the appeal by the Insurance Company. The explanation offered is as follows:-

“2. That the appeal pertains to the Divisional Office of the appellant/insurer at S.A.S. Nagar Mohali under Regional Office, Chandigarh. The decision to challenge the order was to be taken by the competent authority at Regional Office, Chandigarh. After receipt of file from Divisional Office, Mohali the same was given to counsel for legal opinion and on receipt of legal opinion, the decision for filing appeal was taken by the competent authority at Chandigarh. The file and demand draft of Rs.25,000/- received from Divisional Office, Mohali was handed over to the counsel for filing appeal.

3. That the delay been caused due to processing of file from one office to another office and one hierarchy to another hierarchy.

4. That the delay is neither wilful nor intentional but has been caused due to the position explained above.”

I hardly find the above explanation to be sufficient cause for delay in filing the appeal by the Insurance Company which has all the wherewithal and the counsel at their command to file appeals within the prescribed period of limitation.

At the same time this Court cannot ignore the principle involved in condoning delays in approaching Court in appeals being as ever liberal as law permits, which consideration instructs that there should be “sufficient cause shown” and reasonable explanation for the delay which is condonable and acceptable by any person of ordinary prudence for accepting the reasons which have caused the delay being unintentional and beyond control.

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

21.08.2017
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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*