

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

**FAO No. 5596 of 2017 (O&M)
Date of decision: 01.09.2017**

**Shree Ram General Insurance Company Limited
...Appellant
versus**

**Smt Reshmi and others
...Respondents**

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

Present : Mr. Nikhil K. Chopra, Advocate for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

There is a delay of 190 days in filing the present appeal which is beyond the period of limitation prescribed in Limitation Act to present the first appeal. The reason given in the application as mentioned in paragraph No.1 of the application which reads as under:

“That there is delay of 190 days in filing the present appeal. It is respectfully submitted that the aforementioned delay is neither intentional and nor willful. It is stated that the delay has occurred because the cheque of Rs. 25,000/-, which was to be filed along with the appeal was lost and the same has to be obtained again from the concerned office. It is further stated that the documents pertaining to the present case were placed in wrong brief and delay has occurred due to the same reason, which is neither intentional nor wilful and the same may be condoned in the interest of justice.”

The application is accompanied by a short affidavit sworn by Gaurav Parashar, Deputy Manager (Legal) of the appellant-Insurance Company. Apart from the reasons being wholly inadequate in explanation of delay of 190 days, there is also infirmity that ₹25,000/- needed for entertainment of the appeal was in the form of cheque, which was not proper tender of the statutory liability. Hence, there are no reasons fit in the criterion required for condonation of delay under Section 5 of the Limitation Act and I have hardly any warrant except to dismiss the application seeking condonation of delay and as a result thereof, not only the application is dismissed, but, as a consequence, main appeal is dismissed as well.

(RAJIV NARAIN RAINA)
JUDGE

September 1, 2017

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Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO