

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5707 of 2017 (O&M)
Date of Decision: 11.09.2017

IFFCO TOKIO General Insurance
Company Limited

... Appellant

Versus

Usha Devi 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 53 days in filing the appeal by the Insurance Company. The explanation offered is as follows:-

“2. That the award was passed by Ld. Tribunal, Jhajjar on 01.03.2017 and the certified copy of the same was applied on 02.03.2017, which was prepared on 20.03.2017 and was delivered on 21.03.2017, thereafter, the learned Counsel who conducted the case before the Ld. Tribunal sent the same to the dealing Office of the appellant at New Delhi. The copy of the judgment was 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 53 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 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

11.09.2017
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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*