

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5813 of 2017 (O&M)
Date of Decision: 08.09.2017

New India Assurance Company Limited

... Appellant

Versus

Sukhwinder Kaur and others

... Respondents

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

Present: Mr. Harsh Aggarwal, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

There is a delay of 6 days in filing the appeal by the Insurance Company. The explanation offered is as follows:-

“2. That as soon as the certified copy of the Award was received by the appellant, the divisional office of the appellant sought the legal opinion of the attending counsel in the matter regarding preference of appeal before this Hon'ble Court. The said opinion along with recommendation from the said divisional office was forwarded to the regional office at Chandigarh which in turn sought legal opinion for it's counsel before the High Court”

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.

08.09.2017
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No