

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

Date of decision: 02.11.2017

**CM No.20213-CII of 2017 &
CM No.20214-CII of 2017 in/&
FAO No.6287 of 2017**

IFFCO-TOKIO General Insurance Company Limited ...Appellant

Vs.

Aashish & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ravinder Arora, Advocate, for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

The instant appeal is filed by the Iffco Tokio General insurance Company Limited together with CM No.20213-CII of 2017 for condoning the delay of 83 days in re-filing and CM No.20214-CII of 2017 for condoning the delay of 67 days in filing the appeal.

In the application under Section 5 of the Limitation Act (CM No.20214-CII of 2017), following grounds have been set out in paragraph No.2 to show sufficient cause for the delay in presenting the appeal:

“2. That after the order passed by the Motor Accident Claims Tribunal, Jhajjar, 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 67 days has been occurred.”

The aforesaid general and vague averments contained in the application without any precision do not constitute sufficient cause in Section 5 to condone the delay. Apart from the delay in filing the appeal, there is delay of 83 days in re-filing the appeal, which clearly shows laxity on the part of the appellant – Insurance Company and its non-seriousness in litigation.

Since the contents of the applications are found terribly weak and hardly any justification given, I would dismiss the applications for condoning the delay in re-filing and filing the appeal. As a result, entertainment of the appeal is declined.

02.11.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>