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

**Date of decision: 12.10.2017**

**CM No.22048-CII of 2017 in/&**
**FAO No.6765 of 2017**

Royal Sundaram Alliance General Insurance Company Ltd. ...Appellant

Vs.

Vipul Gupta & others ...Respondents

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

Present: Mr. Amit Goyal, Advocate, for the appellant.

**RAJIV NARAIN RAINA, J. (ORAL)**

1. The instant appeal has been preferred together with an application praying for condoning delay of 136 days by the Insurance Company.

2. There is no satisfactory explanation or proper justification for the delay in filing the appeal worthy of acceptance as sufficient cause shown. The only reason given to justify the delay in filing the appeal is the casual lament that the Head Office of the appellant – Insurance Company is in Chennai and for taking a decision, the delay is inevitably involved because the file has to go through many channels before approval can be granted for filing the appeal.

3. Having heard Mr. Goyal, I find that presently I am not dealing with a case involving a sluggish department of the Government who are no longer spared for delayed approach. One is dealing with an appellant, which

is a private sector insurance company, which is not bogged down like the State machinery and can act swiftly. I had the occasion to consider the similar issue in FAO No.4827 of 2017 (O&M) titled 'Bajaj Allianz General Insurance Co. Ltd. Vs. Amritpal Singh @ Happy & others', which was dismissed by me on the ground of delay of only 16 days in filing the appeal relying upon Chief Post Master General Vs. Living Media (India) Ltd., (2012) 3 SCC 563.

4. Consequently, I have no proper occasion to enter upon the merits of this case and would dismiss the application under Section 5 of the Limitation Act, 1963 seeking casually condoning the delay in filing the appeal, however, much the counsel protests that the Head Office is in Chennai and distance involved is itself cause of delay. If that is so, then the insurance company can review its policy to sell insurance in a distant land and within the jurisdiction of this Court.

5. The appellant must remember that when limitation prescribed for an appeal expires; the award of the Tribunal turns final for the claimants to execute, who are those whose claims were not settled except by resort to tedious litigation and parties collecting evidence. They may have waited many tiresome years in litigation hoping for their legitimate dues to come to them born out of sadness and grief for the departed ones and the grievously injured, which this genre of cases represents. The parameters of grant of compensation under the conventional heads of claim are so well settled by a great weight of precedents of the Supreme Court and the High Courts by now that hardly anything is left to imagination which could not have been settled in the air conditioned offices of the appellant unless some serious

legal issue was involved which could not be resolved and demanded court declarations by a process of adjudication.

6. As a result, entertainment of the appeal is declined.

**12.10.2017** **[RAJIV NARAIN RAINA]**
Vimal **JUDGE**

*Whether speaking/reasoned:* *Yes*

*Whether Reportable:* *Yes*