

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

Date of decision: 23.10.2017

CM No.22106-CII of 2017 in/and
FAO No.6773 of 2017 (O&M)

IFFCO-TOKIO General Insurance Company Limited ...Appellant

Vs.

Sunita & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Yogesh Gupta, Advocate,
 for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

CM No.22106-CII of 2017

This is an application filed under Section 5 of the Limitation Act, duly supported by an affidavit, praying for leave to condone the delay of 59 days in filing the appeal. In the application, following grounds have been set out in paragraph Nos.2 & 3:

“2. That the certified copy of the impugned order dated 09.03.2017 was applied on 10.03.2017 and was prepared on 14.03.2017 and was delivered on 16.03.2017 to the concerned panel counsel of applicant and he after its receipt sent the same along with his legal opinion to the concerned authority of applicant based at New Delhi.

3. That the concerned authority of applicant based at New Delhi after receipt of the certified copy of impugned order and legal opinion found the impugned order fit for challenge thereof in appeal and thereafter, the file had to go through different channels before final approval could be granted for filing the appeal. After, receiving final approval from the

concerned authority, all relevant documents were forwarded to the panel counsel at Chandigarh for drafting appeal and thereafter, draft appeal as submitted by counsel was duly approved by the concerned authority of applicant based at New Delhi and further sent thereof to the counsel at Chandigarh for filing the same.”

The contents of paragraph Nos.2 & 3 do not constitute sufficient cause to condone the delay.

According to the appellant, the impugned order was delivered to the panel counsel on 16.03.2007, but the stamp on the file discloses that the amount of ₹25,000/- was deposited on 05.08.2017 vide Bank draft dated 26.07.2017 which falsifies the story set up in the application for condonation of delay. The delay in remitting the amount required for entertainment of the appeal has been withheld with no explanation for four months.

The application is dismissed.

FAO No.6773 of 2017

As a result of the dismissal of the application for condonation of delay, appeal suffered the same fate.

The appeal is dismissed.

23.10.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No