

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.7147 of 2017 (O&M)
Date of Decision: 27.10.2017

HDFC ERGO General Insurance
Company Limited

... Appellant

Versus

Smt. Chhano Devi and others

... Respondents

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

Present: Mr. Ashwani Talwar, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.(Oral)

CM No.22918-CII of 2017

For the reasons mentioned in the application, the same is allowed and the delay of 20 days in refiling the appeal is condoned.

CM No.22919-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 85 days in filing the appeal. In the application, following grounds have been set out in paragraph Nos.2 & 3:

“2. That the MACT, Kurukshetra, pronounced the award on 21.02.2017. Application for supply of a certified copy of the orders was moved on 27.02.2017 and the certified copy was ready on 08.03.2017. The limitation to file the appeal being 90 days and the present appeal having been filed on 24.08.2017, a delay of 85 days has occurred in filing the appeal.

3. That after the award was pronounced, the dealing

counsel at Kurukshetra got the certified copy of the award and sent the same to the Company's office at Noida where cases for the entire Northern Region are being handled. There were certain clarifications which were required and thus the matter remained under correspondence with the dealing counsel at Kurukshetra. In this case, the Award is for Rs.24,80,740/- and all the awards beyond Rs.20 lacs are considered by the applicant Company as high value cases and processing of the claim for approvals etc. takes more time in the hierarchy in the Insurance Company. At the instance of the competent authority, the opinion of the High Court lawyers was also taken and ultimately it was decided to file the present appeal. The applicant Company is conscious of the fact that limitation to file the appeal is only 90 days and normally the appeals on behalf of the Company are being filed in this Hon'ble Court within limitation. However, in the present case, on account of procedural formalities, delay of 85 days in filing the appeal has taken place."

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

The application is dismissed.

FAO No.7147 of 2017 (O&M)

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

The appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

27.10.2017
manju

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No