

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.7214 of 2017 (O&M)
Date of Decision: 08.11.2017

United India Insurance Company Limited ... Appellant

Versus

Kadam Singh and others ... Respondents

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

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

RAJIV NARAIN RAINA, J.(Oral)

CM No.23279-CII of 2017

For the reasons stated in the application, the same is allowed
and the delay of 46 days in refiling is condoned.

CM No.23280-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 40 days in filing the appeal. In the application, following grounds have been set out in paragraph Nos.2 to 7:

“2. That in the present case, the award was passed on 27.3.2017 by the Ld. Tribunal alongwith other connected matters. A copy of award was applied on 28.3.2017 which was prepared and supplied on 3.4.2017 in one of the connected matters only.

3. That on the basis of the evidence & record, Sh. H.R. Kadian, Advocate gave his opinion dated 4.4.2017 to the Divisional Office, Rohtak which was received on 6.4.2017.

4. That then the file of the case was misplaced in the Divisional Office, Rohtak and could be traced only in 1st

week of July, 2017 which was immediately sent to the Regional Office, Chandigarh.

5. *That after verifying the record, the Regional Office, Chandigarh marked the file to Sh. Harsh Aggarwal, Advocate for his legal opinion. In his legal opinion dated 20.7.2017, the Ld. Counsel recommended for filing the appeals and accordingly, the authorities decided to file the appeals.*

6. *That accordingly, the Regional Office, Chandigarh directed the concerned Divisional Office, Rohtak for preparing the drafts which were prepared on 1.8.2017. After collecting the same, it was provided to the Ld. Counsel on 4.8.2017 who filed the appeals on 4.8.2017 itself.*

7. *That in this process, a delay of 40 days in filing the present appeal has occurred which is bonafide, unintentional and for the reasons stated above.”*

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.

The application is dismissed.

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

The appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

08.11.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No