

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

Date of decision: 15.11.2017

**CM No.23964-CII of 2017 in/&
FAO No.7305 of 2017 (O&M)**

New India Assurance Company Ltd.

...Appellant

Vs.

Meena Rani Punj & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J. (ORAL)

1. The instant appeal is brought by the New India Assurance Company Ltd. together with CM No.23964-CII of 2017 for condoning the delay of 11 days in filing the appeal.

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

“2. That ld. Tribunal has decided the petition on 11.07.2017 and copy was applied on 12.07.2017 and prepared on 14.07.2017, but delivered on 29.07.2017. Due to the calculation mistake in number of days, the delay occurs, but the appellant was under impression that the appeal is within limitation, but the delay is not intentional but bona fide.”

3. The aforesaid general and vague averments contained in the application without any precision do not constitute sufficient cause within the contours of Section 5 of the Limitation Act, 1963 to condone the delay. I had the occasion to consider 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 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 delay is not intentional but due to calculation in number of days and is also marginal. 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 unfortunate people who lost their providers and 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 by through the process of the Court, their claim/s born of sadness and grief for the departed ones and the grievously injured, which this genre of cases unfortunately 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 between the parties and demanded court declarations by a process of long drawn adjudication.

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

15.11.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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