

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: April 5, 2010
Date of Order: 16th April, 2010]

CM No. 9344/2009 in MAC. APP. No. 319/2009

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16.04.2010

NEW INDIA ASSURANCE CO. LTD.

... Appellant

Through: Mr. D.K. Sharma, Adv.

Versus

NISHANT RAWAT & ORS.

... Respondents

Through: Mr. Madan Sagar, Adv. for R-1
Mr. Arun, Advocate for R-2.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

This application has been filed by the appellant for condonation of delay in filing the appeal. The award in this case was passed on 28th February, 2009 and the appeal has been preferred on 8th July, 2009. The period of appeal is 90 days. Thus, there is a delay of 40 days in filing the appeal. It is submitted that after passing of award attested copy of award was supplied by the Court to counsel on 16th March, 2009 and the counsel supplied the same to the office of appellant on 23rd March, 2009. The file was marked to dealing official but unfortunately the file got mixed with other files as the company had started process of settling the cases in DICC and almost all the files of the office got scattered here and there to get reports prepared

for the purpose of settlement and the file could not be traced, it could only be found in June, 2009. Thereafter the same was handed over to company counsel for legal opinion in June 2009 and the appeal could be prepared on 8th July, 2009.

2. The last day for filing appeal in this case was 29th May. The High court remained on vacation from 31st May to 30th June, the appeal was filed on 8th July.

3. I find that reasons for condonation of delay of 42 days as given by the appellant are cogent. The application for condonation of delay is allowed.

MAC.APP. NO. 319 OF 2009

The appeal is admitted. List the matter at its own turn in the category of "Regular Matters".

April 16, 2010
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SHIV NARAYAN DHINGRA, J.