

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 1417 of 2018(O&M)

Date of Decision: 13.07.2018

IFFCO TOKIO General Insurance Company Limited

---Appellant

versus

Smt. Chandli and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Ms. Swati Batra, Advocate
for the appellant**

Rekha Mittal, J.

CM No. 5453-CII of 2018 in/and FAO- 1417 of 2018(O&M)

Prayer in this application is for condoning delay of 250 days in filing the appeal.

Counsel for the applicant-appellant would urge that delay in filing the appeal has occurred due to shifting of head office from Delhi to Gurugram and time consumed in procedural formalities as explained in paras 2 and 3 of the application. It is further argued that delay is neither intentional nor mala fide. Further contended that it has been consistently held that the courts should adopt liberal approach while dealing with an application for condonation of delay so that meritorious claim is not thrown overboard at the threshold.

I have heard counsel for the applicant-appellant and perused the paper book.

The present appeal has been preferred to assail liability of the insurance company to indemnify the insured and quantum of compensation.

Counsel for the applicant, in response to a query, would inform that insurance company has already deposited the amount with the Motor Accidents Claims Tribunal, Narnaul. When the facts and circumstances of the present case are examined in the light of judgment of this court in **FAO No. 4740 of 2016 decided on 17.10.2016 titled “Bharti Axa General Insurance Company Limited vs. Ram Parshad and others”** alongwith connected cases, there is no sufficient cause for condoning huge delay of more than eight months. As a consequence, application for condonation of delay is liable to be dismissed and ordered accordingly. As application for condonation of delay has not been allowed, the appeal is dismissed being barred by limitation. No order as to costs.

(Rekha Mittal)
Judge

13.07.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No