

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

113

FAO No.1901 of 2018 (O&M)

Date of decision: 16.10.2018

VINOD BHAI AND ORS

... Appellants

Versus

GUDDU SHARMA AND ANR

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Krishan K. Chahal, Advocate for the applicants-appellants.  
\*\*\*\*

**REKHA MITTAL, J. (Oral)**

The present appeal directs challenge against order dated 12.08.2016 passed by the Commissioner under Employees Compensation Act, 1923 whereby respondents No.1 to 5 before the Tribunal have been held to be jointly and severally liable to pay compensation of Rs.6,49,196/- with interest @ 9% from the date of accident till realization. Along with the appeal, an application (CM No.7560-CII-2018) for condoning delay of 276 days in filing the appeal has been filed.

Counsel for the applicants/appellants would argue that delay in filing the appeal is neither wilful nor malafide. It is further argued that the Court is required to adopt a liberal and pragmatic approach while deciding the question of condonation of delay in filing the appeal.

I have heard counsel for the applicants/appellants, perused the averments raised in the application supported by an affidavit of one of the appellants namely Vinod Bhai.

Before advertng to the submissions made by counsel for the applicants, it is appropriate to extract the material averments raised in paras 2 and 3 of the application, reads thus:-

2. That the appellants due to some unavoidable circumstances beyond the control of appellants. They could not file the appeal in time.
3. That the delay in filing the appeal is neither intentional nor will full but due to reason mentioned above.

When the case is examined in the light of judgment of this Court **FAO No. 4740 of 2016, decided on 17.10.2016 titled “Bharti Axa General Insurance Company Limited Vs. Ram Parshad and others”**, applicants have failed to make out a case that delay in filing the appeal is due to circumstances beyond control of the applicants much less there are sufficient grounds for condoning huge delay of 276 days in filing the appeal. In this view of the matter, application for condoning delay is not meritorious and liable to be rejected.

For the foregoing reasons, application for condonation of delay is dismissed. As a natural corollary, the appeal is dismissed being barred by limitation.

16.10.2018

ashok

Whether speaking/reasoned:  
Whether reportable:

**(REKHA MITTAL)**  
**JUDGE**

Yes / No  
Yes / No