

**CM No. 26584-CII of 2018 in/and
FAO-7283 of 2018(O&M)
Date of Decision: 5.12.2018**

United India Insurance Company Limited

---Appellant

versus

Smt. Sarina and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Amit Kundra, Advocate
for the appellant**

Rekha Mittal, J.

CM No. 26584-CII of 2018

Prayer in this application is for condoning delay of 78 days in filing the appeal.

Counsel for the applicant-appellant would urge that the appeal pertains to division office Gurugram and decision to file the appeal was to be taken by the Regional office located in Chandigarh, in the process, delay in filing the appeal has occurred. 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.

Counsel would state that the appeal has been preferred to assail quantum of compensation.

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 delay of 78 days. 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

5.12.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No