

FAO No. 790 of 2018(O&M)
Date of Decision: 15.5.2018

Oriental Insurance Company Limited

---Appellant

versus

Sanjeev and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Navin Kapur, Advocate
for the appellant**

Rekha Mittal, J.

CM No. 6899-CII of 2018

Allowed as prayed for.

Disposed of accordingly.

CM No. 6900-CII of 2018 in/and FAO-790 of 2018

Prayer in this application is for condoning delay of 195 days in filing the appeal.

Counsel for the applicant-appellant would urge that delay in filing the appeal has occurred due to time consumed in procedural formalities and taking a final decision in the matter to file the appeal as explained in para 1 of the application. It is further argued that delay is neither intentional nor mala fide when otherwise, 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 directed against an award whereby compensation to the tune of Rs. 12,000/- has been awarded in favour of injured Sanjeev.

Counsel for the applicant, in response to a query, would inform that insurance company did not make payment to the claimant and he filed an application for execution wherein attachment has been made. 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 six 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 ordered to be dismissed being barred by limitation. No order as to costs.

As the appeal has been decided being barred by limitation, application for condonation of delay of 32 days in refiling the appeal is of academic relevance only.

(Rekha Mittal)
Judge

15.5.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No