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

+ **MAC.APP. 813/2017**

UNIVERSAL SOMPO GEN INS CO LTD Appellant
Through: Mohd. Mustafa, Adv.

versus

RAM PUKAR Respondent
Through: Mr. N.K. Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **11.03.2019**

CM APPLs. 32943/2017 (condonation of delay)

By the application, the applicant-appellant seeks condonation of delay of 179 days in filing the appeal. The applicant does not decipher any reason for condonation of delay much less, sufficient cause for condoning the delay. In paras 2 and 3 of the application what all is averred is, as follows :

“2. That the appellant could not participated in the proceedings so the appellant was not aware about the award and it came in the knowledge of the appellant on later stage. After receiving such information the appellant sought the advice for filing the Appeal. Further, in order to take legal advice for filing of appeal, the decision was taken a little bit late, due to this reason a delay of arose in filing of appeal.

3. That delay of 179 days is not deliberate but the reasons as mentioned hereinabove and the application is bonafide.”

Delay is not to be condoned on the mere asking. Delay is condoned

on well founded principle of law premised on the facts and circumstances of each and every case. Even otherwise, looking at the impugned award, the income of the injured has been taken to be Rs.9,802/- per month as a skilled labourer in view of the fact that the injured was a Welder. He has suffered 45% permanent disability in relation to his right upper and right lower limbs. Total award amount comes to only Rs.14,24,000/-.

Keeping in view the totality of the facts and circumstances, I do not see any merit in the application. The same is dismissed. Consequentially, the appeal and the other pending application stand rejected.

A. K. CHAWLA, J

MARCH 11, 2019

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