

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 814 of 2020 (O&M)

Date of Decision: 21.1.2020

The Oriental Insurance Company Limited

...Appellant

Vs.

Jagpal and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Brig. B.S. Taunque, Advocate
for the appellant.

RAJIV NARAIN RAINA, J. (Oral)

1. There is a delay of 156 days in filing the appeal by the Insurance Company. The explanation offered is as follows:-

“8. That in the process delay has occurred in filing the appeal before this Hon'ble Court.

9. That vide their letter dated 12.12.2019 the undersigned counsel Brig B.S. Taunque (Retd.) was appointed to file an appeal before this Hon'ble Court against the award of the learned MACT Palwat. Simultaneously the Divisional Office was requested to supply DD of Rs. 25,000/- to be deposited in this Hon'ble Court.

10. That the delay in filing the appeal is attributable to the receipt of the copy of the award from the counsel with his legal opinion, thereafter, processing of the case file at three levels of DO at Faridabad, Regional Office at New Delhi, obtaining legal opinion of the senior counsel and large number of holidays and non working days due to festival seasons and Saturdays/Sundays being non working days as also inherent postal delays. That the delay being bona fide as explained deserves to be condoned by this Court.”

2. I hardly find the above explanation to be sufficient cause for delay in filing the appeal by the Insurance Company which has all the wherewithal and the counsel at their command to file appeals within the prescribed period of limitation.

3. At the same time this Court cannot ignore the principle involved

in condoning delays in approaching Court in appeals being as ever liberal as law permits, which consideration instructs that there should be “sufficient cause shown” and reasonable explanation for the delay which is condonable and acceptable by any person of ordinary prudence for accepting the reasons which have caused the delay being unintentional and beyond control.

4. The Supreme Court in Office of the Chief Post Master General & ors. v. Living Media India Ltd. & Anr., 2012(2) S.C.T. 269 has observed as under :

“13. In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of for Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

5. In view of the above, the application for condonation of delay in filing the appeal as well as main appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

21.1.2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No