IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 15.01.2020

CM No.1231-CII of 2020 in/&
FAO No.717 of 2020 (O&M)

ICICI Lombard General Insurance Company Ltd. ...Appellant

Vs.

Rajinder & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjeev Goyal, Advocate, for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

1. The instant appeal is brought by the ICICI Lombard General Insurance Company Ltd. together with CM No.1231-CII of 2020 for condoning the delay of 5 days in filing the appeal.

2. In the application under Section 5 of the Limitation Act, following grounds have been set out in paragraph No.2 to show sufficient cause for the delay in presenting the appeal:

> *"2. That the Ld. MACT Jind had passed the award on 05.10.2019, certified copy of the same was applied by the counsel of the Tribunal on 15.10.2019, the same was prepared on 16.10.2019. After receipt of the certified copy of the award, the Ld. Counsel before the Ld. Tribunal send the documents to the Divisional Office of the Insurance Company, thereafter, the same was forwarded to the Regional Office by the Divisional Office. After gone through the award, the Regional Office directed the Divisional Office to get the certified copies of certain documents as well as deposition of the witnesses. Thereafter, the approval was granted by the Head office to file the appeal in this Hon'ble Court. Thereafter, the demand draft of the statutory amount was prepared on 30.12.2019. After completing the entire*

documents and demand draft of statutory amount, the file was sent to the undersigned counsel for filing the appeal on 07.01.2020, which was received on 09.01.2020. hence, the appeal is being filed without any further delay."

3. The aforesaid general and vague averments contained in the application without any precision do not constitute sufficient cause within the contours of Section 5 of the Limitation Act, 1963 to condone the delay. I had the occasion to consider similar issue in FAO No.4827 of 2017 (O&M) titled 'Bajaj Allianz General Insurance Co. Ltd. Vs. Amritpal Singh @ Happy & others', which was dismissed relying upon Chief Post Master General Vs. Living Media (India) Ltd., (2012) 3 SCC 563.

4. Consequently, I have no proper occasion to enter upon the merits of this case and would dismiss the application under Section 5 of the Limitation Act, 1963 seeking casually condoning the delay in filing the appeal, however much the counsel protests that the delay is not intentional and is also marginal. The appellant must remember that when limitation prescribed for an appeal expires, the award of the Tribunal turns final for the claimants to execute, who are those unfortunate people who lost their providers and whose claims were not settled except by resort to tedious litigation and parties collecting evidence. They may have waited many tiresome years in litigation hoping for their legitimate dues to come by through the process of the Court, their claim/s born of sadness and grief for the departed ones and the grievously injured, which this genre of cases unfortunately represents. The parameters of grant of compensation under the conventional heads of claim are so well settled by a great weight of precedents of the Supreme Court and the High Courts by now that hardly anything is left to imagination which could not have been settled in the air

conditioned offices of the appellant unless some serious legal issue was involved which could not be resolved between the parties and demanded court declarations by a process of long drawn adjudication.

5. Consequently, the application seeking condoning delay in presenting the appeal is declined and as a result the main appeal is dismissed.

15.01.2020 **[RAJIV NARAIN RAINA]**
Vimal **JUDGE**

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*