

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 21.01.2020

**CM No.22785-CII of 2019 in/&
FAO No.6640 of 2019 (O&M)**

IFFCO Tokio General Insurance Company Ltd. ...Appellant

Vs.

Nafisha & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Vandana Malhotra, Advocate, for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

1. The instant appeal is brought by the IFFCO Tokio General Insurance Company Ltd. together with CM No.22785-CII of 2019 for condoning the delay of 33 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 copy of the award dated 23.05.2019 was applied on 05.07.2019, prepared on 15.07.2019 and was delivered on 26.07.2019 to the counsel for the appellants at Nuh. Thereafter, the same was sent to the Delhi office by the counsel. The counsel was asked to supply all the evidence and documents of the case. Further the file was put up for taking further action for filing the appeal and the same was sent to the Head Office at Gurgaon for taking a decision for filing the appeal. An opinion of the counsel was also sought in between for filing the said appeal. The file had to go through many channels before the approval could be granted for filing the appeal. After receiving approval for filing the appeal, the same was sent to the counsel for filing an appeal. In this process a delay has occurred in filing the appeal.”

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.

21.01.2020
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No