

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 445 of 2017**

- I C I C I Lombard General Insurance Co. Ltd. Through Its Branch Manager, I C I C I General Insurance Co.Ltd., Vanijya Bhawan, Devendra Nagar Chowk, Sai Nagar, Raipur, Chhattisgarh

---- Appellant**Versus**

1. Umendra Sahu And Others S/o Late Sh. Jaitram Sahu, Aged About 40 Years R/o Village Bemcha, Distt. Mahasamund, Chhattisgarh
2. Smt. Pushpa Sahu W/o Umendra Sahu, Aged About 38 Years R/o Village Bemcha, Distt. Mahasamund, Chhattisgarh
3. Hemant Sahu S/o Umendra Sahu, Aged About 13 Years Minor Through Father And Next Friend Umendra Sahu, R/o Village Bemcha, Distt. Mahasamund, Chhattisgarh
4. Ku. Sunita Sahu D/o Umendra Sahu, Aged About 11 Years Minor Through Father And Next Friend Umendra Sahu, R/o Village Bemcha, Distt. Mahasamund, Chhattisgarh
5. Murari Vishwakarma S/o Dhanaram Vishwakarma, Aged About 23 Years Presently Residing At Baba General Store, Rajatalab, Jaihind Chowk, Raipur, Thana Civil Lines, District Raipur, Chhattisgarh
6. Bhupendra Vishwakarma S/o Bhuvanlal Vishwakarma, Aged About 22 Years R/o Daldali Road, Ward No.24, Nayapara, Mahasamund, Chhattisgarh

---- Respondents

For Appellant : Shri Amrito Das, Advocate

S.B.: Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/12/2021**

1. Heard on I.A.No.1, application for condonation of delay in filing appeal.
2. The appeal preferred by the appellant – Insurance Company is delayed by 682 days. Mr. Das, learned counsel for the appellant submits that sufficient cause has been shown for condonation of delay in filing appeal. Such delay

occurred is procedural and bonafide. Therefore, the delay may be condoned.

3. I have heard learned counsel for the parties, considered the rival submissions made herein above and also gone through the records with utmost circumspection.

4. For condonation of delay of 682 days, following reasons has been shown in paragraph 2 of the application for condonation of delay -

“2. That the short delay in preferring the instant appeal is wholly bonafide on account of inadvertence. That the short delay caused had occasioned from the procedural held-ups. It is owing to the said delay that the appeal could not be filed within the stipulated time and there was this short delay occasioned. Moreover, some time was consumed at the management level in order to decide for preferring the instant appeal. Another cause for the delay was in getting the acknowledgment of the pre-deposit. After obtaining the pre-deposit receipt, the papers were sent to the counsel for the appellant at Bilaspur. It was for the said reason that the certified copy of the award as was available with the counsel before the Tribunal was sought for and thereafter the present appeal has been preferred.”

5. A careful perusal of the reasons mentioned in the application would show that the delay has been attributed on account of inadvertent procedural defects. After considering the submission of learned counsel for the appellant and after going through the contents of application for condonation of delay, I am unable to hold that the delay occurred inadvertently. The reasons assigned in the application for condonation of delay would not constitute sufficient cause under Section 5 of the Limitation Act.

6. Accordingly, I.A.No.1, application for condonation of delay is rejected.
Consequently, this appeal is also dismissed without notice to the other party.

Sd/-
(Sanjay K. Agrawal)
Judge