

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA Nos.362, 363 & 364 of 2017

(From the judgments dated 28th February, 2011 passed by Shri H.M. Bisoi, LL.B., learned Additional District Judge-cum- M.A.C.T., Balangir in MAC No.133/65 of 2008-10 and MAC No.136/68 of 2008-10 and judgment dated 26th April, 2012 passed by Shri T.K. Chinhara, LL.B., learned Additional District Judge-cum- M.A.C.T., Balangir in MAC No.82/9 of 2009-12)

United India Insurance Company Ltd. Appellant
in all appeals

Versus

Hada Tandi and Others (in MACA No.362 of 2017)
Kaleswar Jal and Others (in MACA No.363 of 2017)
Haribola Kumbhar and Others (in MACA No.364 of 2017)
..... Respondents

Advocate(s) appeared in this cases :-

For Appellant	:	Mr. Subrat Satpathy, Advocate
For Respondents	:	Mr. S.K. Joshi, Advocate (in MACA Nos.362 & 363/ 2017) Mr. Jagabandhu Sahoo, Advocate (in MACA No.364 of 2017)

CORAM : JUSTICE B.P. ROUTRAY

JUDGMENT
20th June, 2022

B.P. Routray, J.

1. Present appeals are directed against respective judgments dated 28th February, 2011 passed in MAC No.133/65 of 2008-10 and MAC No.136/68 of 2008-10, and dated 26th April, 2012 passed in MAC

No.82/9 of 2009-12 by learned ADJ-cum-MACT, Balangir. Since all three claim applications are concerning the same accident, these appeals are disposed of by this common judgment.

2. Before delving into merits of these appeals, the question of limitation arises as the first issue. MACA Nos.362 & 363 of 2017 have been filed with delay of 2143 days and MACA No.364 of 2017 has been filed with delay of 1721 days.

3. The Appellant in all the three appeals is the United India Insurance Company Ltd. It is submitted on behalf of the Appellant that after disposal of the respective claim application, the concerned conducting Advocate did not intimate the fact of disposal of the applications to the insurance company in time for which the company was in dark about disposal of the same till it received notice in other connected appeals in the year 2016. Thereafter upon query it came to the knowledge of the company about disposal of such claim applications and then the file was processed to the regional office to get instructions and ultimately the appeals were filed with such delay.

4. The claimants – Respondents raised serious objections against condonation of delay.

5. As indicated earlier, the delay in filing the appeals is huge and the cause of delay as explained by the Appellant is due to the laches on the part of the conducting local Advocate.

6. Hon'ble Supreme Court as well as this Court in plethora of decisions have deprecated the practice of filing appeals by statutory

authorities with such huge delay. The Supreme Court in the case of ***State of Madhya Pradesh and Ors. v. Bherulal*, (2020) 10 SCC 654** in a case involving delay of 663 days have rejected the prayer to condone the delay and further imposed cost of Rs.25,000/-. Relying on the case of ***Postmaster General v. Living Media (India) Ltd. (2012) 3 SCC 563***, the Supreme Court have further observed that, “We are thus, constrained to send a signal and we propose to do in all matters today, where there are such inordinate delays that the Government or State authorities coming before us must pay for wastage of judicial time which has its own value.”

7. In the instant case by going through the averments made in the interim applications for condoning the delay, the reasons explained by the Appellant are not found satisfactory as the Appellant cannot get rid of the rigors of limitation by shifting the blame on the conducting Advocate for non-intimation of the fate of the case.

8. It is further contended on behalf of the Appellant that the appeals being meritorious as the policy being ‘Act Liability only’ does not cover the risk of passengers travelled in the private vehicle, the delay should be condoned liberally. But this argument advanced by the Appellant would be of no help to them for the reason that the period of delay cannot be given a go-bye even if some merit is in the case. It is needless to say that the delay here is inordinate and the reasons explained for the same are insufficient and unsatisfactory. Thus, this Court is not inclined to condone the delay.

9. In the result, all the appeals are dismissed on the ground of limitation.

10. The LCRs be returned forthwith.

(B.P. Routray)
Judge

M.K.Panda

