

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.902 of 2019

***The Branch Manager, Oriental
Insurance Company Ltd.***

....

Appellant

Mr. P.K. Mahali, Advocate

-versus-

Gopi Khara and Another

....

Respondents

Mr. Dhananjay Mund, counsel for Respondent No.1

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

9.5.2022

Order No.

I.A. No.1650 of 2019 & MACA No.902 of 2019

04. 1. Heard Mr. P.K. Mahali, learned counsel for the insurer – Appellant and Mr. D. Mund, learned counsel for claimant – Respondent No.1.
2. Present appeal has been filed with a delay of 333 days.
3. It is submitted by Mr. Mahali that due to strike of Advocates at Koraput, the certified copies of the exhibits could not be obtained in time which caused delay in filing the appeal.
4. From perusal of I.A. No.1650 of 2019 it reveals that the Certified copy of the impugned judgment dated 9th November, 2018 was delivered to the Appellant on 27th November, 2018. The same was then sent to higher office for processing. Therefore the reason for delay assigned by the Appellant about non-receipt of certified copies of the exhibited documents is found immaterial because the certified

copy of the impugned judgment was admittedly received on 27th November, 2018. It needs to be mentioned that the Appellant had participated in the proceeding before the Tribunal and therefore he was aware of the contents of those exhibited documents. Thus any excuse on such ground is unacceptable to condone the delay. As such, the grounds explained for condoning the delay in filing the appeal being found unsatisfactory, I am not inclined to condone the delay.

5. Accordingly, the I.A. is dismissed.

6. Resultantly the appeal is dismissed on the ground of limitation.

7. The statutory deposit made by the appellant before this court along with accrued interest be refunded to the Appellant - insurer on proper application and on production of proof of deposit of the awarded amount before the tribunal.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge