



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.2920 of 2024 (O&M)
Date of Decision: 01.07.2024

Kotak Mahindra General Insurance Company Ltd.
.....Appellant

Versus

Sanju Kumar @ Sanjay Kumar and another
.....Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Aayush Goyal, Advocate
 for the appellant-Insurance Company.

MEENAKSHI I. MEHTA, J. (Oral)
CM No.10650-CII of 2024

By way of the instant application, the applicant-appellant (here-in-after to be referred as 'the applicant') has sought the condonation of delay of 256 days in filing the accompanying appeal.

2. I have heard learned counsel for the applicant-appellant on the present application and have also perused the file carefully.
3. Learned counsel for the applicant contends that the Claim Application, as filed by respondent No.1-claimant against the applicant and respondent No.2-insured, had been decided on 28.06.2023 but the impugned order had been pronounced later-on and when the counsel, representing the applicant at that time, came to know about the afore-said order, he moved the application for obtaining the certified copy thereof and it took some time in getting the same and depositing the amount of compensation in compliance of



the above-referred order and thus, it becomes explicit that the afore-mentioned delay is not intentional and is, rather, the outcome of the circumstances beyond the control of the applicant and hence, it deserves to be condoned.

4. However, the above-raised contentions do not hold much water because as per the version of the applicant, the impugned order, though passed on 28.06.2023, had been pronounced subsequently but it is pertinent to point it out here that in the concluding part of this order, it has specifically been mentioned that the same had been announced in the open Court on the afore-mentioned date itself. To add to it, throughout in the instant application, the applicant has not disclosed any specific date and month of his having come to know about the above-referred order.

5. Keeping in view the fore-going discussion, this Court is of the considered opinion that the afore-said delay on the part of the applicant in filing the accompanying appeal, can safely be termed to be an inordinate one and therefore, the same does not deserve to be condoned. Resultantly, the present application, being *sans* any merit, stands dismissed.

FAO No.2920 of 2024 and
CM No.10651-CII of 2024

Consequent upon the dismissal of the above-referred application, as moved by the applicant for seeking condonation of the delay in filing the present appeal, it follows that this appeal also deserves dismissal. It being so, the appeal in hand and the afore-indicated Miscellaneous Application, stand dismissed accordingly.

July 01, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

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