



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.10287 OF 2024
IN
FIRST APPEAL (STAMP) NO.23818 OF 2024**

THE DIVISIONAL MANAGER, THE NEW INDIA ASSURANCE
COMPANY LTD THROUGH AUTHORIZED SIGNATORY
VERSUS
PRATIBHA VIJAYSINH PADWAL AND ORS.

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Mr. A. B. Kadethankar, Advocate for the Applicant.

Mr. M. B. Kolpe h/f Mr. V. B. Patil, Advocate for Respondent Nos.1 to 5.

Mr. G. L. Kedar, Advocate for Respondent No.6.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 09th JANUARY, 2025.**

ORDER:-

1. The applicant/insurer seeks to condone the delay of 3507 days caused in filing Appeal against judgment and award dated 14.11.2014 passed by Commissioner for Workmen's Compensation and Civil Judge (Senior Division), Osmanabad in Workman's Compensation Claim No.56/2010.

2. Heard Mr. Kadethankar, learned Advocate appearing for the applicant.

3. He submits that upon decision rendered by the Commissioner, certified copies were obtained by dealing Advocate and forwarded the same to the applicant vide his communication dated 12/15.12.2014. The final decision as to the filing of Appeal needs to be taken by the Regional Office. Hence, file was transmitted to Regional Office soliciting its decision. The Competent Authority decided to file Appeal and transmitted file to Divisional Office at Aurangabad with suggestion to file Appeal.

Unfortunately, at this stage file was misplaced. Meanwhile, officers in-charge of concerned department were either superannuated or transferred. Hence, no further steps were taken. On 19.08.2024, file was located and immediately steps were taken to file Appeal. The delay caused is unintentional and applicant has not derived disadvantage by making such delay. He would endeavour to contend that award so far as imposing penalty against applicant/insurer is *ex-facie* illegal. Therefore, he urges to condone the delay and register the Appeal.

4. Having considered the submissions advanced, although the applicant is a body corporate and conducts its business through its officers, the provisions of the Limitation Act cannot be distinctly applied. Section 3 of the Limitation Act bars the action, which is beyond period of limitation with exception as contemplated under Section 5 of the Limitation Act that enables Courts to condone the delay, in case sufficient cause is made out. The term sufficient cause has been interpreted in various judgments and generally given liberal interpretation based on facts of each and every case.

5. In light of the aforesaid legal and factual position, the question arises as to whether the applicant has demonstrated sufficient cause to justify the condonation of the delay. Admittedly, the impugned award is passed in the year 2014. The applicant was aware about the decision. The Regional Office is said to have approved the decision for filing Appeal and transmitted the matter to its Divisional Office at Aurangabad with suggestion to file Appeal. It is a matter of common knowledge that there is ladder of offices at each level of the applicant company and transfer or retirement of any particular officer may not impede regular business. Therefore, reason put forth about transfer or

superannuation of officers cannot be accepted as good ground, particularly when huge delay of 3507 days is sought to be condoned. The matter pertains to the compensation under provisions of Employee's Compensation Act, which is beneficial piece of legislation. The claimants are entitled to receive compensation as expeditiously as possible, so as to serve purpose of legislation. Entertaining Appeals after period of about 9 to 10 years against award passed by the competent Court of jurisdiction would not be in tune with the object of legislation. The applicant may have good ground on merit, but that cannot be considered while finding out sufficient cause to condone the delay as contemplated under Section 5 of the Limitation Act. Hence, no case is made out to condone the delay.

6. Consequently, Civil Application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE