**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**MACA No.218 of 2013**
**CNR No. ODHC010005042013**

(In the matter of application under Section 173(1) of the Motor Vehicles Act, 1988).

***New India Assurance Co. Ltd., Cuttack*** … ***Appellant***

*-versus-*

***Prafulla Kumar Sahoo & another*** … ***Respondents***

***For Appellant*** : ***Mr. G.P. Dutta, Advocate***

***For Respondents*** : ***Mr. P.K. Mishra, Advocate (R-2)***

**CORAM: JUSTICE G. SATAPATHY**

**DATE OF HEARING & JUDGMENT:10.11.2026 (ORAL)**

***G. Satapathy, J.***

**MACA No.218 of 2013 & Misc. Case No.1887 of 2013**

**1.** This judgment shall not only dispose of the Appeal , but also the Misc. Case No.1887 of 2013 filed U/S.5 of the Limitation Act, 1963 for condonation of delay of 64 days in preferring the Appeal to challenge the impugned judgment dated 05.10.2012 passed by the learned 2nd M.A.C.T., Cuttack (in short, "the Tribunal") in Misc. Case No.1305 of 1998 directing the New India Assurance Co. Ltd., Cuttack-cum-Appellant

herein (in short, "the insurer") to pay a sum of Rs.27,000/- together with simple interest @ 6% per annum w.e.f. the date of filing of the claim application on 23.12.1998 till its actual realization to the claimant-R2 within one month thence.

**2.** The facts in this case, being largely undisputed are not reiterated to avoid prolixity, but this Appeal has been filed with a delay of 64 days as claimed by the Appellant and accordingly, the Appellant in order to condone the aforesaid delay has filed M.C. No. 1887 of 2013, which should be considered first.

**3.** Heard, Mr. G.P. Dutta, learned counsel for the Appellant and Mr. Pradeep Kumar Mishra, learned counsel for R-2 and perused the record. Notice against R-1 stands dispensed with in view of the provision under Order XLI Rule 14(4) of the CPC, since he being the owner of the offending vehicle was set *ex-parte* in the proceeding before the learned Tribunal.

**4.** Admittedly, there is a delay of 64 days in filing the Appeal, but the grounds under which the Appellant

seeks for condonation of delay are set forth at paragraph Nos-3 to 8 in M.C. No. 1887 of 2013 which are reiterated as under: -

> *"3. That after the judgment was passed; the Appellant office has received the free copy of the impugned judgment on 08.10.2012.*
> *4. That after receipt of the judgment, the same was forwarded to the counsel for opinion and the Counsel submitted his opinion vide opinion: dtd: 27.01.2013.*
> *5. That after receipt of the opinion, the Rourkela Divisional office prepared the note and after obtaining necessary Administrative Sanction forwarded the file to the Regional office for filing appeal.*
> *6. That the Regional office after receipt of the file again processed it and after obtaining necessary Administrative sanction from the competent Authority, forwarded it to the Counsel for filing appeal.*
> *7. That the counsel after receipt of the file immediately intimated the Regional office to send the certified copies of depositions and exhibits but as the same was not received immediately, in order to avoid further limitation the appeal is filed.*
> *8. That in the process, there has been a delay of about 64 days in filing appeal."*

**5.** It is an admitted fact that the Appeal was filed way back in 2013, but the same has not been prosecuted diligently by the Appellant in addition to the delay in filing the Appeal. There is in fact no

quarrel over the position of law that an applicant can establish "sufficient cause" for not filing an Appeal within the prescribed statutory time limit, but the Court while dealing an application for condonation of delay should adopt a pragmatic approach to promote justice, however, the expression of "sufficient cause" cannot be stretched to cover the cases of absolute apathy, utter negligence or institutional complacency. What cannot be lost sight of is that the corporate entities like the Appellant in this Appeal cannot use the internal administrative mis-management or slow bureaucratic movement or delay in getting approval/sanction to file litigation, as a shield to bypass the law of limitation. The law applies uniformly and large corporate entities or Government bodies do not enjoy a special status or a longer limitation period than an ordinary citizen. Examining the present case on these parameters, the explanation provided by the insurer is entirely unconvincing and structurally deficient and the application for condonation of delay lacks precise chronological details and it fails to

explicitly state the reasons for the delay. Additionally, what cannot be disputed that the present Appeal challenges an award of the year 2012, which was passed granting compensation to the injured claimant for an accident of the year 1998, but there is no sincere effort on the part of Appellant for early disposal of the petition for condonation of delay in filing the Appeal.

**6.** In the context of condonation of delay, this Court is also considered it apposite to refer to the decision in ***Post Master General and others Vrs. Living Media India Ltd. and another; (2012) 3 SCC 563,*** wherein the Apex Court in paragraph-29 has explicitly stated and observed as under: -

> *"**29.** In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that **unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept their usual explanation that the file was kept pending for several months/ years due to considerable degree of procedural red tape in the process**. The Government Departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of*

*delay is an exception and should not be used as an anticipated benefit for the Government Department. The law shelters everyone under the same light and should not be swirled for the benefit of a few."*

**7.** In this situation, condoning the unexplained delay by way of liberal approach in this Appeal at this point of time after a gap of 13 years without the same being prosecuted diligently would just like paying premium on the institutional latches or negligence attributable/imputable to a Public Sector Company like the Appellant in this Appeal for its sheer gross negligence and utter apathy towards poor claimant. In other words, mere administrative negligence cannot constitute a "sufficient cause" and these assertion regarding internal files moving from one table to other table do not fulfill the legal requirements of explaining delay. In view of the above facts and circumstance and on consideration of the averments taken in the application for condonation of delay, this Court does not find any reasonable explanation as offered by the insurer to condone the delay, but condoning such unmitigated delay without a legitimate day-to-day

breakdown and without having any reasonable explanation, it would completely frustrate the principal objective of the Limitation Act, which is founded on public policy to ensure finality to the litigation and protect legal rights from enduring vulnerability. In this situation, the Latin maxim ***"Dura lex sed lex"*** which means the law is harsh but it is the law stands attracted to the case of the Appellant-insurer. The aforesaid Latin maxim epitomizes that valid laws must be followed and enforced strictly, even if the outcome is severe, unfair, or inconvenient to a party in a specific case. Consequently, this Court finds that the Appellant-insurer has completely failed to demonstrate "sufficient cause" within the meaning of Section 5 of the Limitation Act and the application lacks merit and is a clear example of gross institutional negligence.

**8.** Further, the Appellant has filed M.C. No. 570 of 2013 U/O.41 Rule-27 of the CPC to adduce additional evidence to accept the schedule copy of the policy as additional evidence, but the Appellant-Insurer had in

fact pleaded *inter alia* the following at paragraph-12 of its written statement before the learned Tribunal: -

> *"12. That the policy number and valid date which has been mentioned by the claimant in claim petition i.e. 28.10.99 is totally false. As because the valid date has been lapsed prior to some days before the alleged accident."*

It, therefore, appears that the Appellant although being aware of such facts has not adduced any evidence before the learned Tribunal to support its claim. The Appellant, however, right now wants to patch up its lacuna by way of additional evidence, but law is fairly well settled that the provision for additional evidence is never meant to patch up any lacuna. In addition, the Appellant has not been able to reasonably explain the delay in preferring the Appeal. Hence, I.A. No. 570 of 2013 stands dismissed.

**9.** In the result, the M.C. No. 1887 of 2013 filed for condonation of delay of 64 days is, hereby, dismissed. As a consequence thereof, MACA No.218 of 2013 stands dismissed as barred by law of limitation at the stage of admission, but no order as to costs.

Ergo, the Appellant-Insurer is directed to pay the compensation amount together with the accrued interest thereon as ordered by the learned Tribunal to the claimant-R2.

**10.** Since the Appellant has already deposited a sum of Rs.13,500/- towards the statutory deposit in this Appeal on 03.05.2013, the aforesaid statutory deposit together with the accrued interest thereon be paid to the claimant-R-1 and the Appellant is further directed to deposit the differential amount by deducting the statutory deposit together with the accrued interest thereon from the original award with interest as ordered before the learned Tribunal within eight weeks hence for its disbursal to the claimant-R-1. The Registry is, hereby, requested to send the statutory deposit together with the accrued interest thereon to the concerned Tribunal for its disbursal to the claimant-R-1.

Signature Not Verified
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Signed by: SUBHASMITA SASMAL
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 12-Nov-2026 14:57:45

***(G. Satapathy)***
***Judge***

*Orissa High Court, Cuttack,*
*Dated the 10th day of November, 2026/S.Sasmal*