IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA NO.389 of 2007
CNR No. ODHC010345382007
(An appeal Under Section-173(1) of M.V. Act, 1988).

Branch Manager, New India Assurance Co. Ltd., Ganjam … ***Appellant***

-versus-

Prasanta Kumar Kar & Others … ***Respondents***

For Appellant : ***Mr. S.K. Sahoo, Advocate appearing on behalf of Mr. A.A. Khan, Advocate***

For Respondents : ***Mr. S.K. Mohanty, Advocate (R-4)***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT: 13.11.2026 (ORAL)

G. Satapathy, J.

MACA NO.389 OF 2007 AND MISC.CASE NO.583 OF 2007

1. This is an appeal with delay of 238 days, but the appellant was permitted vide last order to take steps for issuance of notice against R1 to R3 through substituted service under Order 5 Rule 20 of CPC by way of paper publication, however, the same has not yet been done. It cannot be forgotten that this is an Appeal of the year 2007 challenging the judgment dated 03.06.2006 by which compensation was granted to the claimants-respondents Nos.1 to 3 for an accident

occurring on 31.03.1997. In this situation, this Court wants to hear the Appellant and Respondent No.4 on limitation without adjourning the matter any further.

2. Heard Mr. S.K. Sahoo, learned counsel appearing on behalf of Mr. Adam Ali Khan, learned counsel for the appellant-New India Assurance Co. Ltd, but none appears for Respondents except R-4 who is represented by Mr. Santosh Kumar Mohanty.

3. 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. In this Appeal, the delay in processing the file by the office of the insurer has been advanced as reason for delay in preferring the Appeal, but the law on the point of limitation has been well

settled that public sector company, large corporation, and Tech Savvy entities are to be considered in the same legal standard as ordinary citizens in the matter of condonation of delay, however, the public sector insurance company like the Appellant in this Appeal cannot use the internal administrative mis-management, or slow bureaucratic movement for processing the file or delay in getting approval/sanction to process the file, 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 the parameters of law of limitation, 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 explicitly to state any convincing reasons for condonation the delay. 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 (supra)***, 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."*

4. In view of discussions made hereinabove and taking into account the long pendency of the Appeal, which deprives the claimants to the compensation as payable by the Appellant of its share even after 29 years of the accident, this Court does not wish to grant

further indulgence in the matter. Hence, the Misc. Case No.583 of 2007 for condonation of delay of 238 days is hereby dismissed. As a necessary consequence, MACA No.389 of 2007 stands dismissed as barred by law of limitation at the admission stage. No order as to costs.

5. It is, however, apprised by Mr. Santosh Kumar Mohanty, learned counsel appearing on behalf of R-4 that R-4-cum- the United India Insurance Company has already satisfied its share of the compensation, but it is not known as to whether the Appellant-New India Assurance Co. Ltd. has satisfied its share of the compensation or not. In such situation, the Appellant is hereby directed to pay its share of compensation, if not satisfied in the meantime to the claimants within eight weeks hence. The statutory deposit of Rs.10,000/- as deposited by the Appellant in this case on 15.05.2007 together with the accrued interest thereon be utilized to satisfy the share of the Appellant, who is further directed to pay the differential amount of its share of compensation together with the accrued interest

thereon within eight weeks hence. 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.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 13th November, 2026/Jayakrushna

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