(2013) 04 KAR CK 0047

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 8617 of 2011

Branch Manager, Oriental Insurance Co. Ltd. APPELLANT

Vs

Smt. Narasamma and Others RESPONDENT

Date of Decision : 16-04-2013

Acts Referred:

Citation : (2013) 3 AKR 547 : (2014) ILR (Kar) 1307 : (2013) 6 KarLJ 88

Hon'ble Judges : S.N. Satyanarayana, J

Bench : Single Bench

Advocate : M.U. Poonacha, for the Appellant;

Judgement

S.N. Satyanarayana, J.—2nd respondent--Insurance Company in WCA-43/2007 on the file of the Commissioner for Workmen''s Compensation, Mandya Sub-Division--I, Mandya, impugning the Judgment and Order dated 08.06.2011 so far as it pertains to liability of the Insurance Company. Admittedly this appeal is filed with inordinate delay of 398 days, otherwise 13 months after the expiry of period of limitation. Hence I.A. 2/2011 is filed seeking condonation of the same.

2. Heard the counsel for appellant. Perused the affidavit filed in support thereof. On going through the same, it is seen that an Assistant Manager of the appellant company, whose name is not legible in the affidavit, has filed a name sake affidavit in trying to explain the delay. The affidavit is bereft of merit. It does not give reasons for condoning the inordinate delay of 398 days. Instead an attempt is made to brush aside the entire delay as if procedural delay and the Court should accept it as a matter of procedure. On going through the same, this Court finds no justifiable reason to condone the inordinate delay of 398 days.

3. Even otherwise, on going through the judgment impugned, it is seen that the claim petition is filed seeking compensation for the death of a coolie, aged about 55 years, who is said to have died in the course of employment for which compensation was awarded in a sum of Rs. 2,37,230/-. The main ground on which this appeal is filed is that the deceased was not a coolie and the case is a

false one. Assuming for a moment it is true, what prevented the Insurance Company and its qualified officers, most of whom are qualified law graduates to understand the gravity of the situation and take immediate steps in filing the appeal and it has come to the notice of this Court in selectively appeals are filed and even when the claims are genuine, it is projected as if it is a false claim. In many fraudulent cases, Insurance Company turn blind eye and try to disbelieve the same. It is clearly seen that havoc is created by the officers of the Insurance Company. The officer of the Insurance Company would be definitely knowing the period of limitation. The reason as to why the officer has kept the file for such long time, that too for 13 months, after expiry of limitation is not properly explained. Assuming for a moment, if there is delay in granting sanction, he should have mention the same stating who is the person responsible in keeping the file pending to see that deliberately delay is caused. In that view of the matter, this Court feel that the delay is neither procedural nor the same is one with acceptable reasons, it is caused for some extraneous circumstances. Accepting the same as procedural delay and condoning the same would virtually be letting the provision of law of limitation, which is reduced into the level of joke by the officers of the Insurance Company. In that view of the matter, atleast to maintain the seriousness of the purpose for which such law is enacted, such frivolous reasons should not be entertained and the application which is filed should be dismissed with exemplary costs. Hence the application filed seeking condonation of inordinate delay of 386 days is dismissed. Consequently the appeal is also dismissed.

In view of appeal being dismissed, amount in deposit is ordered to be refunded to appellant-Insurance Company.