
(1991) 01 MP CK 0034

In the Madhya Pradesh High Court

Case No : Miscellaneous Appeal No. 336 of 1990

National Insurance Co. Ltd.

APPELLANT

Vs

Rameshchandra and Others

RESPONDENT

Date of Decision : 24-01-1991

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (1992) 75 CompCas 671

Hon'ble Judges : A.G. Qureshi, J

Bench : Single Bench

Advocate : H.K. Gilke, for the Appellant; Bhargava, for the Respondent

Final Decision : Dismissed

Judgement

A.G. Qureshi, J.—This miscellaneous appeal has been filed ten days beyond the prescribed period of limitation and, for condonation of delay, an application u/s 5 of the Limitation Act has been filed on behalf of the appellant. The grounds on which the delay is sought to be condoned is that, because of the outbreak of communal riots in the city of Indore and consequent imposition of curfew, the movement of the file from Ujjain to Indore was delayed and, even during the partial relaxation of the curfew, the file could not be attended to because of a mass of papers and workload in the office of the appellant-company. The specific dates on which the curfew was imposed and the dates on which it was relaxed have not been mentioned in the application and they have not been so stated in the affidavit also. It has also been stated that, despite the relaxation of curfew, the appeal could not be filed because of the workload in the office of the company. However, it has not been stated . as to why the papers of this appeal could not take precedence over other papers. If it had been a case of the appellant that the other matters to be attended to were more important than the present appeal wherein the period of limitation was expiring, the plea could have been considered in the light of that averment. But the insurance company has come out with a general statement about the curfew, its relaxation and backlog.

2. In view of the fact that no specific dates have been given in the application for condonation of delay and the delay occurring on each day has not been explained, it is not a fit case wherein the condonation of the delay can be made. Even the affidavit supporting the application is also of a general nature and no attempt has been made to explain the delay as is required u/s 5 of the Limitation Act. In view of the aforesaid, it is not a fit case for condonation of delay. The application for condonation of delay is, therefore, disallowed. As a result, the appeal being time-barred, it is dismissed with no order as to costs.