

(2014) 07 P&H CK 0166

In the Punjab And Haryana At Chandigarh

Case No : CM No. 24277-CII of 2013 and FAO No. 5857 of 2013 (O&M)

Shri Ram General Insurance Company Ltd.

APPELLANT

Vs

Sunita Devi

RESPONDENT

Date of Decision : 11-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0166

Hon'ble Judges : Rakesh Garg, J

Bench : Single Bench

Advocate : J.S. Chatrath, Advocate for Ashwani Talwar, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Rakesh Garg, J.—The Motor Accident Claims Tribunal, Kurukshetra vide impugned award granted compensation in favour of respondents No. 1 to 5 on account of death of one Sandeep Kumar in a motor vehicular accident caused due to rash and negligent driving of Jeep No. HR-65-3846 by its driver Amrik Singh. While granting compensation the Tribunal has further held that the owner, driver along with the appellant-Insurance Company are jointly and severally liable to pay the compensation to the claimants observing that Amrik Singh, driver of the offending vehicle, was having a valid driving licence at the relevant time and the offending vehicle was duly insured.

2. Dissatisfied from the aforesaid award of the Tribunal, the Insurance Company has filed the instant appeal.

3. There is a delay of 188 days in filing the appeal vide CM No. 24277-CII of 2013. The delay is sought to be condoned on the following averments:

That after the award was pronounced, the defending counsel sent the copy of the orders along with his opinion to the Chandigarh office of the Insurance Company from where it was sent to the head office at Jaipur. The matter was examined in the Jaipur office and certain clarifications which were required were obtained.

Thereafter, the matter was examined by the competent authority and was decided to file an appeal before this Hon''ble Court. The present counsel, thereafter, was engaged and the case file was sent to him. There was correspondence between the counsel and the office of Jaipur and ultimately the appeal was vetted and signed and has been filed before this Hon''ble Court on 08.11.2013. However, in the process, there has been a delay of 188 days in filing the appeal.

4. Keeping in view the vagueness of the plea, the appellant was granted opportunities vide orders dated 4.12.2013 and 16.1.2014 to file a better affidavit in support of the application for condonation of delay. No such affidavit has been filed. Thus, the plea to condone the delay has remained unexplained.

5. Counsel for the appellant has further submitted before this Court that a better affidavit is not being filed as the appeal is not likely to succeed on merits. In fact counsel for the appellant has submitted that the impugned award is just and proper and possibly there is no legal ground exists to challenge the same.

6. In view of the aforesaid, this appeal is dismissed being without any merit as well as on the ground of delay.