

(2003) 03 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

SURINDER SINGH

APPELLANT

Vs

NEW INDIA ASSURANCE CO. LTD.

RESPONDENT

Date of Decision : 11-03-2003

Acts Referred:

Citation : 2004 1 CPJ 254 : 2004 2 CPC 567

Hon'ble Judges : H.S.Brar , C.P.Budhiraja J.

Final Decision : Application dismissed

Judgement

1. IT is an application for condonation of delay of 7 days in filing the appeal against the order dated 18.10.2002 passed by District Consumer Disputes Redressal Forum, Ropar (hereinafter referred to as the "District Forum").

2. NOTICE in this misc. application was given to the respondent, who has filed the reply to the same. Counsel for the appellant-applicant (hereinafter called the "applicant") has reiterated the same facts for condoning the delay which have been taken in ground No. 2 of the application. Counsel for the applicant has also relied upon a judgment of the Supreme Court reported as N. Balakrishnan v. M. Krishnamurthy, VII (1998) SLT 334=1999 (1) PLR 462.

We have heard Counsel for the parties. The ground taken by the applicant for condonation of delay in Para 2 of the application, and canvassed before us by his Counsel, is reproduced as under : "That there is 7 days" delay in filing the said appeal which has occurred due to unavoidable reasons because of the over-occupation of the appellant/complainant in the affairs of the State as he is a highly placed officer as Chief Engineer in the P.W.D. (B&R) and is required to attend to his duties even on holidays and after office hours. This delay has occurred because the appellant/complainant could not find time to collect the necessary documents and consult his Counsel."

3. IT has not been stated as to how and in what manner the applicant was pre-occupied in the affairs of the State. Simply because he is a Chief Engineer and was a busy person and could not attend to his case could not be taken as a

sufficient ground for condonation of delay. No specific dates have been mentioned in the application for condonation of delay stating as to when the intimation was received by the applicant and when he was busy, when he could not collect the copy of the order of the District Forum and other relevant documents. No break-up has been given in the application as to when and where he was busy and, thus, he could not attend to his case. He has simply stated in this application that the delay had occurred because he could not find time to collect the necessary documents and consult his Counsel. IT is not stated as to when for the first time he had received the certified copy of the impugned order and the relevant papers and under what circumstances he was debarred from taking possession of the necessary documents and to consult his Counsel. IT is a highly vague application. The authority of the Supreme Court cited by the Counsel for the applicant is not applicable to the facts of this case. The delay is due to sheer carelessness of the applicant. In these circumstances, we do not find any sufficient ground to condone the delay of 7 days in filing the appeal. In this regard, reference may also be made to an order of this Commission passed in Misc. Application No. 980 of 1999 in Appeal No. 1199 of 1999, Punjab School Education Board & Ors. v. Harpal Singh decided on 9.2.2000. This application for condonation of delay is, thus, dismissed with costs, which are quantified as Rs. 500/-. Consequently, the appeal is also dismissed as belated. Misc. Application dismissed.