

(2011) 11 JH CK 0082
In the Jharkhand High Court
Case No : M.A. No. 246 of 2008

The Oriental Insurance Company

APPELLANT

Vs

Dayamayee Ghosh and Others

RESPONDENT

Date of Decision : 11-11-2011

Acts Referred:

Citation : (2011) 11 JH CK 0082

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari

I.A. No.1163 of 2009

1. In this I.A. the applicant-appellant has prayed for condonation of delay in filing the Misc. Appeal.

2. It has been stated that the appellant is an insurance company. After the award dated 15.4.2008 the appellant's advocate had informed about the same. The office, thereafter, instructed him to obtain the certified copy of the award and to send the same for further instruction. On receipt of the certified copy of the award the same was sent to the Regional Office for proper instruction. The Regional Office took sometime and after perusal of the award decision was taken to file appeal. Counsel of this Court was, thereafter, consulted with instruction to file an appeal. The counsel asked the appellant to deposit Rs. 25,000/- as statutory amount which was deposited on 7.8.2008. The memorandum of appeal was, thereafter, prepared and filed on 12.8.2008.

3. Learned counsel for the appellant submitted that there was delay in official process on different levels and there was no wilful laches or delay on the part of the appellant in not preferring the appeal within the prescribed period of limitation.

4. Notice was issued to the respondents. Counsel for the respondents filed

appearance but nobody appeared to contest this application.

5. Considering the reasons explained in this application, this Court is satisfied that there was no deliberate delay on the part of the appellant in not filing the appeal within time. The appellant was prevented from doing so under the said circumstance beyond their control.

6. Considering the above, this I.A. is allowed. Delay in filing Misc. Appeal No. 246 of 2008 is condoned.

7. I.A. No. 1163 of 2009 stands disposed of.