

(2011) 03 J&K CK 0003

In the Jammu And Kashmir High Court

Case No : Others Writ Petition (OWP) No. 314 of 2011

United India Insurance Co. Ltd.

APPELLANT

Vs

Ali Mohd. Shah and Others

RESPONDENT

Date of Decision : 25-03-2011

Acts Referred:

Citation : (2011) 3 JKJ 461

Hon'ble Judges : Muzaffar Hussain Attar, J

Bench : Single Bench

Judgement

Muzaffar Hussain Attar, J.—A claim petition is filed by respondents before the Commissioner under Workmen's Compensation Act 1923

(Assistant Labour Commissioner) Pulwama. The claim petition being barred by time, an application was filed by the respondents to condone the

delay of a period of seven years in filing the claim petition. On notice issued to the petitioners herein, objections were filed and prayer was made

that as no cause is made out for condoning the delay of seven years, the application be dismissed.

2. The learned authority vide its Order dated 04.11.2010 condoned the delay of seven years in filing the claim petition. It is this order which is

called in question in this writ petition.

3. Heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submitted that there was a huge delay of seven years in filing the claim petition and respondents had not

carved out sufficient cause for seeking condonation of delay. Learned counsel, accordingly, submitted that the order impugned is liable to be set

aside. In time barred claims the length of time in filing proceedings is of no

consequence. The Courts/Authorities have power to condone delay of any length. The Courts have only to be satisfied that a sufficient cause has been projected for seeking condonation of delay.

5. Respondents have filed claim petition before the authority. In the application seeking condonation of delay, as it transpires from the impugned

order, the petitioner had assured the claimants that their grievance would be redressed and the matter lingered on because of this assurance. It is

also reflected in the impugned order that respondents bonafidely believed the representation made by the writ petitioner and did not approach the

authority within the statutory period.

6. The workmen's Compensation Act is beneficiary legislation. A person, who suffers injury of any kind and seeks compensation, in an effort to get

the matter settled out of Court, may make an effort so as to save himself from undergoing ordeal of litigation. The authority in terms of the

impugned order has recorded satisfaction that the respondents bonafidely pursued the matter with writ petitioners. The authority has been satisfied

with the cause shown for seeking condonation of delay.

7. Considering the matter in its proper perspective, this Court is satisfied that sufficient cause is made out by respondents in seeking condonation of

delay in file(sic) claim petition.

8. In the facts and circumstances of this case, no fault is found impugned in this petition.

9. For the above stated reasons this petition, being melimini.