

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No.7 of 2023

Cholamandalam MS General Insurance Co. Ltd., Patna

.... Appellant(s)

Versus

Jyoti Murmu & Ors.

....Respondent(s)

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Ashutosh Anand, Advocate

For the Resp. Nos.1 &2 : Mr. Rishav Kumar, Adv.

For the Resp. No.3 : Mr. Pran Pranay, Adv.

For the Resp. No.4 : Mr. Laxman Kumar, Adv.

Order No.05 Dated- 04.10.2023

I.A. No.3653 of 2023

Heard learned counsel for the parties.

2. Learned counsel for the appellant has filed the instant interlocutory application i.e., I.A. No.3653 of 2023 with a prayer to condone the delay of 130 days in filing the instant miscellaneous appeal. It is further submitted that after passing award, the certified copy was applied for by the appellant and was sent to local office of the appellant-Insurance Company, Ranchi, thereafter the entire file was called for. After receipt of the said file, an opinion was sought in the matter and thereafter, for getting approval from the higher officials of the appellant-insurance company, the decision was taken to file the appeal. The counsel also advised for procuring additional documents and for preparing deposit of the statutory amount and doing all things, the time for filing appeal within time from the date of award has expired. It is further submitted that the delay in filing appeal is not willful and deliberate and the appellant has very good grounds to agitate in this appeal and unless the delay caused in filing the instant appeal is condoned, the appellant will be highly prejudiced. Hence, in the end of justice, the delay occurred in filing the instant appeal may be condoned.

3. Learned counsel for the respondents has raised no objection for condonation of delay on the grounds pointed out by learned counsel for the appellant.

4. Considering the aforesaid facts and circumstances and reason(s) pointed out by learned counsel for the appellant appears to be "sufficient cause" for not filing the appeal within time and delay was without any willful fault of the appellant. Hence, considering the entire

aspects of the case and the reason(s) assigned for delay appeared to be sufficient. Accordingly, the delay of 130 days occurred in this case is hereby condoned.

5. Accordingly, I.A. No.3653 of 2023 stands allowed.

(Pradeep Kumar Srivastava, J.)

M.A. No.07 of 2023

This appeal will be heard.

Admit.

Call for Lower Court Records.

List this appeal after receipt of the same under the heading "For Hearing."

(Pradeep Kumar Srivastava, J.)

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