

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No.35 of 2020

New India Assurance Co. Ltd., Ranchi Appellant

Versus

Vasudev Mandal & Others Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Alok Lal, Advocate
Mr. Santosh Kumar, Advocate

For the Respondents : Mr. Satyam Kumar, Advocate
Mr. Pratiush Lala, Advocate

Order No.04 Dated- 02/01/2023

I.A. No.811 of 2020

Heard the parties.

2. Learned counsel for the appellant submits that this interlocutory application has been filed with a prayer to condone the delay of 63 days in filing the instant appeal. It is next submitted that upon receipt of the certified copy of the impugned order, the counsel of the appellant before the tribunal opined for filing of the appeal but the Regional Office sent the file for obtaining legal opinion from one of its empanelled counsel at Patna in order to prefer an appeal before this Court, hence, the same resulted in delay of 63 days in filing the instant appeal. It is further submitted that the delay caused in filing the instant appeal is neither deliberate nor intentional. It is also submitted that 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, it is submitted that the delay caused in filing the instant appeal be condoned.

3. Learned counsel for the respondent No.2 namely Mr. Satyam Kumar submits that the respondents have been put to great hardship because of the delay caused by the appellant in filing this appeal and the appellant is unnecessarily lingering this appeal, hence, the respondent No.2 be compensated adequately by way of costs.

4. Considering the aforesaid facts, the delay of 63 days in filing the

instant appeal is condoned subject to payment of cost of Rs.2,000/- by the appellant to the respondent No.2 through the counsel appearing in the record within eight weeks from the date of this order failing which this conditional order shall not be given effect to and this interlocutory application shall stand rejected and the appeal shall stand dismissed being barred by limitation.

5. This interlocutory application stands disposed of.

(Anil Kumar Choudhary, J.)

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List this appeal under the heading 'Admission' only if the appellant files the proof of payment of cost of Rs.2,000/- by the appellant to the respondent No.2 through the counsel appearing in the record within eight weeks from the date of this order.

In the meantime, call for the lower court records.

Animesh/

(Anil Kumar Choudhary, J.)