

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No.126 of 2020

The New India Assurance Co. Ltd., Hazaribagh

.... Appellant

Versus

Kavita Devi & Others

.... Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant

: Mr. Ganesh C. Jha, Advocate

Mr. Santosh Kumar, Advocate

For the Respondents

: Mr. Ashok Kr. Singh, Advocate

Mr. Arpit Kumar, Advocate

Order No.06 Dated- 09/05/2023

I.A. No.2830 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 135 days in filing the instant appeal. It is next submitted by the learned counsel for the appellant that the lawyer in the court below applied for the certified copy of the impugned judgment and award on 06.07.2019, the copy application was noticed on 29.07.2019, requisites were filed on 31.07.2019 and copy was made ready on 01.08.2019 and delivered on 02.08.2019, hence, the period of delay be deducted by 26 days, spent in obtaining the certified copy. It is further submitted that the instrumentality of the appellant company consumed sometime for obtaining the opinion of the advocate as to whether the appeal is to be filed and then the opinion of the retainer advocate was also obtained and in the process considerable period of time was consumed resulting in delay of 135 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. Considering the aforesaid facts, the delay of 135 days in filing the

instant appeal is condoned.

4. This interlocutory application stands allowed.

(Anil Kumar Choudhary, J.)

M.A. No.126 of 2020

This appeal will be heard.

Admit.

Call for the lower court records.

Mr. Ashok Kumar Singh- learned counsel, receives notice of this appeal on behalf of the respondent Nos.1 to 5 and Mr. Arpit Kumar- learned counsel, receives notice of this appeal on behalf of the respondent Nos.6 and 7.

List this appeal under the heading 'Hearing' after receipt of the lower court records.

Animesh/

(Anil Kumar Choudhary, J.)