

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M. A. No. 160 of 2024

The Divisional Manager, New India Assurance Company Limited, Ranchi & Anr.			Appellants
	Versus		
Arti Dey & Ors.	...		Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellants	: Mr. Manish Kumar, Advocate
For the Respondents	: Mr. Ramesh Kumar, Advocate
	Mr. Rajesh Kumar, Advocate
	Mr. Vishal Srivastava, Advocate

Order No. 06 / Dated : 17.09.2025.

Insurance-Company is in appeal and the instant misc. appeal has been filed on the ground that it was a hit and run case and the accident took place due to own negligence of the deceased driving motorcycle at the relevant time of accident.

Heard the learned counsel on behalf of the appellants in I.A. No. 4410 of 2024 which has been filed under Section 5 of the Limitation Act for condonation of delay of 359 days in preferring the instant appeal.

It is submitted by the learned counsel on behalf of the appellants that the judgment was delivered on 31.01.2023 on which certified copy was obtained on 07.02.2023 and was submitted to its office, Bokaro on 10.03.2023. The delay occurred in communication and approval. The original file was misplaced and therefore, the appeal could be preferred within the stipulated time.

Learned counsel on behalf of the claimants have opposed the condonation petition and submitted that each day delay should be explained, whereas, there is an inordinate delay and the claimants have not received any amount in pursuance to the award.

Law is settled that a liberal view should be taken while considering a petition for condonation of delay under Section 5 of the Limitation Act. It has been held by the Hon'ble Supreme Court in **Basawaraj & Anr. Vs. Special Land Acquisition Officer (2013) 14 SCC 81** the expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned.

It is submitted by the learned counsel on behalf of the Insurance-Company

that the owner being the necessary party was not even impleaded in the claim case.

Considering the grounds taken, I.A. No.4410 of 2024 for condonation of delay is allowed.

M. A. No. 160 of 2024

Admit.

Call for Lower Court Records from the Court concerned.

List this case after four weeks.

Let a copy of memo of appeal be served to the counsel on behalf of the claimants.

(Gautam Kumar Choudhary, J.)

17.09.2025

Pawan/ -