



IN THE HIGH COURT OF ORISSA AT CUTTACK
MACA No.1061 of 2024

***The Manager, Legal, M/s.
Reliance General Insurance
Company Ltd., BBSR***

.....

Appellant
Mr. G.P. Dutta, Advocate

-versus-

Sumitra Pati & Ors.

.....

Respondents
Mr. P.K. Mishra, Advocate
(Respondent Nos. 1 & 2)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
18.07.2025

Order No.03 I.A. No. 2291 of 2024 & MACA No. 1061 of 2024

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the parties.
3. This I.A. has been filed with a prayer to condone the delay of 756 days in filing the appeal.
4. In support of condonation of delay, learned counsel for the appellant contended that because of procedural delay in the office of the appellant, the matter got delayed and could not be filed within the prescribed period of limitation. It is accordingly contended that since because of procedural delay, the appeal could not be filed within the period of limitation, the delay in filing the appeal be condoned.
5. Mr. P.K. Mishra, learned counsel appearing for Claimants-Respondents on the other hand contended that since delay has not at all been explained, save and except, taking a stand that because of the procedural delay, the matter got delayed, the delay is not required to be condoned.



5.1. In support of his aforesaid submission, reliance was placed to an order passed by this Court on 22.03.2022 in MACA No.363 of 2020 and order dated 13.11.2024 in MACA No.229 of 2024. This Court placing reliance on the decision of the Hon'ble Apex Court in the case of ***Postmaster General & Ors. Vs. Living Media Ltd. & Anr. ((2012) 3 SCC 563)*** and the decision of this Court in ***State of Odisha & Ors. Vs. Sales Tax Officer, Cuttack II (W.P.(C) No. 15763 of 2021)***, was not inclined to condone the delay in filing the appeal.

5.2. It is accordingly contended that since the delay in filing the appeal has not at all been explained by giving sufficient and cogent reason, such delay is not required to be condoned.

6. Having heard learned counsel for the parties and considering the submissions made, this Court finds that the present appeal has been filed with delay of 756 days. This Court after going through the grounds taken in the interim application, finds that save and except in indicating that the delay has occurred due to procedural latches, no further explanation has been given.

6.1. In view of such position and placing reliance on the decision of the Hon'ble Apex Court in the case ***Post Master General*** so relied on by this Court in its order dated 22.03.2022 and 13.11.2024 in MACA No.363 of 2020 and MACA No.229 of 2024, this Court is not inclined to condone the delay.

7. Accordingly, I.A. stands rejected and consequentially the appeal fails.

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Date: 21-Jul-2025 15:54:48

(**BIRAJA PRASANNA SATAPATHY**)
Judge