

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). D.NO. 2538 OF 2010

NEW INDIA ASSURANCE CO.LTD.

...Appellant

VERSUS

KAMLESH SHINGLA & ORS.

...Respondents

O R D E R

This appeal is directed against order dated 11.8.2009 passed by the National Consumer Disputes Redressal Commission. The appeal is accompanied by an application for condonation of delay of 137 days.

We have heard learned counsel for the appellant and perused the record.

In paragraphs 2 to 5 of the application for condonation of delay, following averments have been made:

- "2. That the impugned award was passed on 11.8.2009, and the copy of the order was ready for delivery on 17.8.2009, and was received by the Counsel for the petitioner, and in turn was received by the petitioner after few days. The Certified copy of the order was sent to the Higher Office, for further instructions in the case.
3. That the petitioners had to seek the

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approval of the Head Office also for filing this appeal. The petitioners had to seek the opinion of the Counsel as to whether it is a fit case for filing the appeal.

4. That the petitioner had to instruct the Counsel to draft and file this appeal as such there is delay of 137 days in filing this appeal.

5. That the delay in filing the Petition is not willful or deliberate but for the reasons stated herein above."

In our view, the explanation given by the appellant for condonation of delay in filing the appeal within the period of limitation prescribed under

Section 23 of the Consumer Protection Act, 1986 is wholly unsatisfactory and there is no valid ground or justification to entertain the appellant's prayer.

The application for condonation of delay is dismissed. Consequently, the appeal is dismissed as barred by time.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

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NEW DELHI,
March 15, 2010.

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ITEM NO.8 COURT NO.12 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL D.NO(s). 2538 OF 2010 [FOR PREL. HEARING]

NEW INDIA AASURANCE CO.LTD. Appellant (s)

VERSUS

KAMLESH SHINGLA & ORS. Respondent(s)

(With appln(s) for condonation of delay in filing appeal)

Date: 15/03/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. A.K. Raina, Adv.
For Dr. Kailash Chand, A.O.R.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

The application for condonation of delay is dismissed. Consequently, the appeal is dismissed as barred by time.

(A.D. Sharma)

Court Master

(Phoolan Wati Arora)

Court Master

(Signed Order is placed on the file)