

Esic Vs. Cd Security Services Network Ltd

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Court : Delhi

Decided On : Mar-18-2013

Judge : V.K.Shali

Appellant : Esic

Respondent : Cd Security Services Network Ltd

Judgement :

* HIGH COURT OF DELHI AT NEW DELHI + CM No.4674/2013 and FAO NO.142/2013 Decided on:- March 18th , 2013 ESIC Through: .Appellants Mr.Sunny Arora for Mr.Bhupesh Narula, Adv. Versus CD SECURITY SERVICES NETWORK LTD. Respondent Through: None. CORAM: HONBLE MR. JUSTICE V.K. SHALI V.K. SHALI, J.

(Oral) 1. This is an appeal filed by the appellant against the order dated 05.08.2011 along with an application seeking condonation of delay of 850 days in re-filing the appeal. Vide impugned order, the matter was remanded back to the appellate authority for the purpose of reconsideration of its order after taking into consideration the documents, which have been furnished by the respondents.

2. I have heard the learned counsel for the appellant and gone through the record. According to Rule 5, Chapter 1, Part A(a) Delhi High Court Rules, the appeal, in case of objections must be collected from the Registry and re-filed within a period of one week. Although a period of one week is given for the purpose of re-filing but even if it is liberally construed, the application or the appeal must be re-filed within

a reasonable time. Certainly a delay of 850 days, which almost constitutes two years delay, cannot be construed as a reasonable delay in re-filing of the appeal. Moreover, this has to be construed as a delay in original filing. The appellant is a Government body and the reason for delay in re-filing, which, in fact, is essentially a delay in original filing has to be explained so as to constitute a sufficient cause. It seems that the appellant being a Corporation has taken it for granted that since it is a public body the delay will be condoned as a matter of course. The law of limitation is equally applicable to the Government organization or public bodies as it is applicable to the private individuals. No undue indulgence can be shown to the public bodies. Since no sufficient cause has been shown, therefore, the delay of 850 days in re-filing the appeal does not deserve to be condoned. Moreover, the trial court has only remanded the matter back for consideration of documents filed by the respondents. FAO. No.142/2013 application for condonation of delay in re-filing the appeal is dismissed and the appeal itself is dismissed as being time barred. V.K. SHALI, J.

MARCH 18 2013 ss

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