



IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA NO.47 of 2025
& I.A. No. 39 of 2025

(In the matter of application under Section-173 of M.V. Act, 1988).

The DM National Insurance Co. Ltd., Cuttack ... ***Appellant***

-versus-

Sasmita Panda & Others ... ***Respondents***

For Appellant : ***Mr. P.K. Mahali, Advocate***

For Respondents : ***Mr. P.K. Behera, Advocate***
(R-1 & 2)

Mr. K. Das, Advocate (R3)

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT: 08.07.2026 (ORAL)

G. Satapathy, J.

1. The present Interlocutory Application in I.A. No. 39 of 2025 U/S.5 of the Limitation Act, 1963 has been filed by the appellant-petitioner to condone the delay of 320 days in preferring the appeal.

2. Heard, Mr. Prasanta Kumar Mahali, learned counsel for the appellant-insurer; Mr. Pratap Kumar Behera, learned counsel for the Respondent Nos.1 & 2-cum-OP Nos. 1 & 2 and Mr. Karunakar Das,



learned counsel for Respondent No.3-cum-OP No. 3 in the matter and perused the record.

3. A careful perusal and scrutiny of the interlocutory application, it appears to the Court that the petitioner has sought for condonation of delay of 320 days for officially processing the file and the exigency related to such processing, but nowhere the Insurance company-cum-petitioner has taken any specific plea for condonation of delay which is evident from a plain reading of the averments taken in the IA. No doubt, delay can be considered liberally, but if the delay is attributable to the negligence of party, it should not be considered lightly, more particularly when the party concerned is a scheduled insurance company inasmuch as the company is a statutory body and it cannot be treated like a simple, innocent and illiterate litigant and when such insurance company is dealing such matters day in and day out. Additionally, compensation to the victim of Motor vehicular accident has to be liberally construed since foundation of such compensation is based on beneficial & social legislation



which aims to provide not only succor to the victims of accident, but also prevent them from destitution and vagrancy. In this case, the impugned judgment was passed on 09.11.2023 in a claim of the year 2022 and the insurance company has fought the claim of the of the Respondent-claimants very diligently before the learned Tribunal, however, it has not preferred the appeal in time. In the context of official exigencies to condone the delay, this Court considers it apt to refer to the decision in ***Post Master General and others Vrs. Living Media India Ltd. and another; (2012) 3 SCC 563***, wherein the Apex Court in paragraph 29 has observed as under: -

"29. In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept their usual explanation that the file was kept pending for several months/ years due to considerable degree of procedural red tape in the process. The Government Departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit



for the Government Department. The law shelters everyone under the same light and should not be swirled for the benefit of a few.”

Similarly, in **G. Ramegowda, Major & Others Vrs. Special Land Acquisition Officer, Bangalore; (1988) 2 SCC 142**, the Apex Court in paragraph-14 has held as under: -

“14. The contours of the area of discretion of the courts in the matter of condonation of delays in filing appeals are set out in a number of pronouncements of this Court. See: *Ramlal, Motilal and Chhotelal v. Rewa Coalfield Ltd.*; *Shakuntala Devi Jain v. Kuntal Kumari*; *Concord of India Insurance Co. Ltd. v. Nirmala Devi*; *Lala Mata Din v. A. Narayanan*; *Collector, Land Acquisition v. Katiji* etc. There is, it is true, **no general principle saving the party from all mistakes of its counsel. If there is negligence, deliberate or gross inaction or lack of bona fides on the part of the party or its counsel there is no reason why the opposite side should be exposed to a time-barred appeal.** Each case will have to be considered on the particularities of its own special facts. xx xx xx xx xx.”

4. No doubt, Mr. Mahali by relying upon the decision in ***Inder Singh Vrs. The State of Madhya Pradesh; 2025 INSC 382***, submits to take a lenient view for condonation of delay, but this Court as an



abundant precaution has sought for instruction from the Insurance company by way of an order dated 06.02.2026 as to whether the appellant-insurance company is ready to pay Rs. 1,00,000 towards cost for condonation of delay, however, Mr. Mahali, learned counsel for the appellant on instruction submits that the insurance company is not ready to pay any cost for condonation of delay. Further, the Apex Court while condoning the delay in ***Inder Singh(supra)*** has imposed cost of Rs.50,000/- on the Respondents to be paid to the appellant as a condition for condoning the delay, but in this case, the appellant-insurance company has emphatically denied to pay any cost. It is also held by the Apex Court in paragraph 28 in ***Post Master General (supra)*** that the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technology being used and available. The law of limitation undoubtedly binds everybody including the Govt. In view of the aforesaid facts and the law laid



down by the Apex Court together with a careful scrutiny of the materials placed on record and the grounds taken by the appellant-insurance company in support of claim for condonation of delay and keeping in view the aim and objective of Motor Vehicles Act to grant compensation to the victims of accident at the earliest and the respondents-claimants having not yet been compensated for the death of their predecessor-in-interest on 05.08.2018 in the accident and the explanation as offered by the appellant-petitioner-insurance company for condonation of delay being not acceptable and the delay as appearing in this case being the product of negligence of the authorities of the Insurance Company and being attributed to such Insurance Company, the delay in preferring this appeal merits no consideration and cannot be accepted.

5. In the result, the petition by the appellant Insurance Company U/S. 5 of the limitation Act in I.A. No. 39 of 2025 stands dismissed. Since the delay in preferring the appeal has not been condoned,



the appeal filed by the appellant-insurer, stands dismissed. The statutory deposit, if any be refunded back to the appellant-insurance company together with accused interest thereon.

(G. Satapathy)
Judge

*Orissa High Court, Cuttack,
Dated the 8th day of July, 2026/Priyajit*