

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.5131 OF 2019
(Arising out of S.L.P.(C) No.14278 of 2019)
(D.No.11379/2019)

Hemlata VermaAppellant(s)

VERSUS

M/s ICICI Prudential Life
Insurance Co. Ltd. & Anr.Respondent(s)

ORDER

1. Delay condoned.
2. Leave granted.
3. By impugned order, National Consumer Disputes Redressal Commission, Delhi (for short, “the Commission”) dismissed the revision petition filed by the appellant herein on the ground of limitation.

4. The Commission held that the delay of 207 days in filing the revision petition before the Commission against the order dated 08.12.2016 of the State Commission, Delhi passed in Appeal No.768 of 2009 was not properly explained by the appellant and, therefore, no case is made out to condone the delay.

5. The revision petition was, therefore, dismissed as being barred by limitation. The Commission, therefore, did not go into the merits of the case. It is this order, which is impugned in this appeal by the Revision Petitioner of the said revision petition in this Court.

6. Since the Commission dismissed the appellant's revision in limine and without notice to the respondents, we do not consider it necessary to issue notice to the respondents of this appeal.

7. Having heard the learned counsel for the appellant and on perusal of the record of the case,

we are inclined to condone the delay in filing the revision petition before the Commission.

8. In our opinion, keeping in view the averments and the grounds alleged in the application for condonation of delay, which we have perused, we are satisfied that it constitutes a sufficient cause within the meaning of Section 5 of the Limitation Act.

9. We may consider it apposite to observe that the Commission while declining to condone the delay placed reliance on the decision of this Court in **Ramlal vs. Rewa Coalfields Ltd.**, AIR 1962 SC 361. However, the later decision of this Court in **Collector, Land Acquisition, Anantnag & Anr. vs. Mst. Katiji & Ors.**, (1987) 2 SCC 107 has held that in matter of condonation of delay, the Court should take liberal view. In our view, the Commission should have, therefore, taken note of subsequent decisions of this Court on the issue of condonation of delay.

10. In view of the foregoing discussion, we cannot concur with the view taken by the Commission.

11. The appeal is accordingly allowed. The impugned order is set aside. The delay in filing the revision petition, out of which this appeal arises, before the Commission is condoned. The revision petition is held to be within time. The Commission is requested to hear the Revision on merits after notice to the respondents in accordance with law.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[INDU MALHOTRA]

New Delhi;
July 01, 2019.

ITEM NO.20

COURT NO.6

SECTION XVII

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11379/2019
(Arising out of impugned final judgment and order dated
02-11-2018 in RP No.3545/2017 passed by the National
Consumers Disputes Redressal Commission, New Delhi)

HEMLATA VERMA

PETITIONER(S)

VERSUS

M/S. ICICI PRUDENTIAL LIFE
INSURANCE CO. LTD. & ANR.

RESPONDENT(S)

(IA No.76203/2019-CONDONATION OF DELAY IN FILING and IA
No.76204/2019-CONDONATION OF DELAY IN REFILING)

Date : 01-07-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s)

Mr.Rajender Prasad, AOR
Mr.P.V.Raghunandan, Adv.

For Respondent(s)

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

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed
order.

Pending applications, if any, stand disposed
of.

(Ashok Raj Singh)
Court Master

(Chander Bala)
Court Master

(Signed Order is placed in the file)