



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2015

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

C.M.A.(MD) No. 614 of 2015

Nisha Devi

... Appellant

Vs.

1. M/s. Pandian Roadways
Corporation Limited,
Palanganatham,
Madurai -3, rep. By Managing Director

2. Pranolal W Kotak

3. United India Insurance Company Limited,
Praulut Wadria Road, Dalyapur, Amaravathi District
rep by Divisional Manager

.. Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Cr.P.C. against the Award and Decree of the Motor Accidents Claims Tribunal, Madurai dated 12.01.1987 made in I.A.No.229 of 1986 in MCOP.SR.No.4098 of 1986.

For Appellant

: Mr. K.K. Senthil

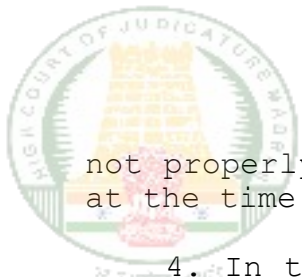
for M/s.Paul and Paul

J U D G M E N T

This Civil Miscellaneous Appeal is filed against the Award and Decree of the Motor Accidents Claims Tribunal, Madurai dated, 12.01.1987 dismissing the I.A.No.229 of 1986, to condone the delay of 713 days in filing the claim petition, in MCOP.SR.No.4098 of 1986.

2. The accident took place on 16.11.1983. In the said accident, the husband of the appellant also sustained injury and father-in-law of the appellant died. The husband of the appellant filed two MCOPs viz., MCOP.Nos. 197 and 198 of 1984, claiming compensation, for the death of his father and another for compensation for injuries sustained by him. By order dated, 28.4.1986, the Tribunal has awarded compensation. After the said order, the appellant has filed a claim petition claiming compensation in I.A.No.229 of 1986, to condone the delay of 713 days in filing MCOP. When the claim petition was filed, the Motor Vehicles Act, 1939 was in force. As per Section 110 (A) (3) of Motor Vehicles Act, the Claim petition must be filed within a period of Six months, from the date of accident. Based on the above said provision, the Tribunal can condone the delay, if the Tribunal satisfied with the reasons stated in the affidavit.

3. In the present case, the appellant has claimed compensation, in spite of very same accident. The appellant did not file any petition at that time. Only after order passed in MCOP.Nos.197 and 198 of 2014, filed by her husband, she has filed the claim petition in I.A.No.229 of 1986, for condoning the delay. The reason for delay is



not properly explained. The appellant ought to have filed the petition, at the time when the husband filed petition for compensation .

4. In the circumstances, the Civil Miscellaneous Appeal is dismissed as devoid of merits. In the result, the appeal is dismissed and the award and decree passed by the Motor Accident Claims Tribunal / Principal District Court, Madurai in I.A.No.229 of 1986 in MCOP.SR.No.4098 of 1986 is confirmed. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal/Principal District Court,
Madurai.

C.M.A.(MD) No. 614 of 2015

17.06.2015

trp

PA/IV/15.07.2015/2P/2C