

C.M.P.No.11760 of 2016 in C.M.A.No.SR174 of 2014

T.RAJA, J.

C.M.P.No.11760 of 2016 has been filed to condone the delay of 561 days in re-presenting the C.M.A.No.SR174 of 2014.

2. Learned counsel for the petitioner submitted that as against the award dated 12.8.2013 passed in M.C.O.P.No.5125 of 2010 by the Motor Accidents Claims Tribunal (Special Sub Judge II to deal with MCOP Cases), Chennai awarding a sum of Rs.3,20,000/- with interest at the rate of 7.5% per annum from 23.12.2010, when the Transport Corporation decided to file an appeal, all the papers were entrusted with the previous counsel Mr.A.Babu, who also filed the same. However, the appeal papers were returned for certain compliance. But unfortunately, the said Mr.A.Babu died in April, 2014. In view of the sudden demise of the previous counsel, the matter could not be prosecuted. Finally the papers were entrusted to the present counsel. Pursuant thereto, after collecting all the papers, he is pursuing the matter. In the meanwhile, there has been a delay of 561 days in re-presenting the appeal. Therefore, if the delay in re-presentation is condoned, no one would be prejudiced, he pleaded.

3. Considering the peculiar facts and circumstances that the previous counsel Mr.A.Babu died in the month of April, 2014 after filing the appeal, as a

result the Transport Corporation was not informed of the subsequent status, this Court is inclined to condone the delay. Accordingly, the delay in re-presenting the appeal is condoned.

07.09.2016

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