

C.M.P.Nos.12379 & 12380 of 2016 in C.M.A.No.SR52030 of 2016

T.RAJA, J.

C.M.P.Nos.12379 & 12380 of 2016 have been filed by the Managing Director of Tamil Nadu State Transport Corporation Limited, Villupuram Division to condone the delay of 1149 days in re-presenting the C.M.A.No.SR52030 of 2016 and to condone the delay of 1265 days in paying the deficit Court fee of Rs.3300/- in C.M.A.No.SR52030 of 2016, as against the award dated 1.10.2012 passed in M.C.O.P.No.29 of 2010 by the Motor Accident Claims Tribunal, Subordinate Judge, Ariyalur granting a sum of Rs.3,26,433/-, as against the claim of Rs.7,00,000/-, for the multiple injuries suffered by the injured claimant.

2. Learned counsel for the petitioner-Transport Corporation submitted that after the award was passed by the Tribunal, instead of filing the appeal before the Principal Seat, the appeal was wrongly filed before the Madurai Bench on 30.4.2013 in C.M.A.(MD) No.SR21085 of 2013 and the Registry returned the appeal papers raising the point of jurisdiction on 3.5.2013. In view of the wrong filing of the appeal before the Madurai Bench, the aforementioned delay had occurred, which is neither wilful nor wanton, he pleaded.

3. This Court is not able to find any merit in the said contention. When the award was passed on 1.10.2012 in M.C.O.P.No.29 of 2010 by the Tribunal, although the appeal was wrongly filed before the Madurai Bench on 30.4.2013 in C.M.A.(MD) No.SR21085 of 2013, the Registry had returned the papers on 3.5.2013 raising the point of jurisdiction. It is not known why the petitioner Transport Corporation did not approach the Principal Seat immediately, as a result the huge and unexplained delay of 1149 days in re-presentation and 1265 days in paying the deficit Court fee had occurred, which is evident from the seal

of this Court showing that the papers were re-presented only on 19.7.2016 after a delay of more than three years. Hence this Court does not find any justifiable cause to entertain both the petitions to condone the huge and unexplained delay in re-presentation and also in paying the deficit Court fee. Accordingly, both the civil miscellaneous petitions are dismissed. C.M.A.No.SR52030 of 2016 stands rejected.

4. The petitioner-Transport Corporation is directed to deposit the entire amount of compensation together with interest as awarded by the Tribunal to the credit of the M.C.O.P.No.29 of 2010 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Ariyalur within a period of four weeks from the date of receipt of a copy of this order. On such deposit, it is for the claimant to withdraw the entire amount together with interest by moving appropriate application before the Tribunal.

26.09.2016

ss

T.RAJA, J.

C.M.P.Nos.12379 & 12380 of 2016
in C.M.A.No.SR52030 of 2016

26.09.2016