

**C.M.P.No.14281 of 2016 in C.M.A. No.SR60448 of 2016**

**T.RAJA, J.**

This petition has been filed with huge and unexplained delay of 593 days in filing C.M.A. No.SR60448 of 2016 against the judgment and decree dated 25.09.2014 made in M.C.O.P. No.146 of 2012 on the file of the Motor Accidents Claims Tribunal, (IV Additional District Judge), Erode District at Bhavani.

2.Learned counsel appearing for the petitioner/Transport Corporation would submit that after the award was passed on 25.09.2014, the copy was made ready only on 31.12.2014. Subsequently, the same was sent for legal opinion on 10.01.2015 and the same was placed before the Appeal Committee and the Committee decided to prefer appeal on 02.02.2015. In the meanwhile, the case papers were misplaced and the same were traced only on 25.07.2016. In this process, the delay of 593 days had occurred, which was neither willful nor wanton.

3.But this Court is not able to find any sufficient cause to condone the delay. The reason is that when the learned Tribunal has awarded a sum of Rs.2,90,081/- as against the claim of Rs.5,00,000/-, considering the injuries namely compound and comminuted fracture of both bone in right leg, ligament fracture in right leg and abrasions all over his body, sustained by the claimant, for which he was taking treatment as inpatient in the Government Head Quarters Hospital and R.K.Hospital, Erode from 03.11.2011 till 05.11.2011 and

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subsequently in the Bharani Paaventhana Hospital at Erode, from 16.03.2012 till 17.08.2012, the Transport Corporation, having received the award, for the reasons best known to them, without any sufficient cause, has not filed the appeal immediately, as a result there was a delay of 593 days. When the carbon copy was made ready and delivered on 31.12.2014, it is not known why within the reasonable time, they failed to file the appeal. Therefore, this Court is not inclined to entertain this petition.

4.As it is well settled law that everyday's delay has to be explained and no such explanation has been given in the present case, hence, this petition fails and the same is dismissed. Consequently, CMA No.SR60448/2016 stands rejected.

5.The petitioner/Transport Corporation is directed to deposit the entire amount to the credit of M.C.O.P. No.146 of 2012 on the file of the Motor Accidents Claims Tribunal, (IV Additional District Judge), Erode District, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the amount, by filing appropriate application before the Tribunal.

27.09.2016

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