

C.M.P.No.14900 of 2016 in
C.M.A. No.SR48317 of 2016

T.RAJA, J.

This petition has been filed with unexplained delay of 116 days in filing C.M.A. No.SR48317 of 2016 against the judgment and decree dated 30.07.2014 made in M.C.O.P. No.163 of 2013 on the file of the Motor Accidents Claims Tribunal, (Sub Judge), Perundurai.

2.Learned counsel appearing for the petitioner/Insurance Company would submit that after the award was passed on 30.07.2014 by the Tribunal at Perundurai, a copy application was made ready on 25.11.2014 and subsequently it was delivered only on 28.11.2014. He would further submit that since the Senior Manager is on treatment, he could not proceed with the case. Therefore, the delay of 116 days had occurred, which is neither willful nor wanton.

3.But this Court is not able to find any sufficient cause to condone the delay. The reasons are that no where the petitioner has mentioned on what date they applied for the certified copy and on which period the Senior Manager took treatment. Secondly an evasive reason has been given that after the certified copies were sent to the head office, in view

T.RAJA, J.

vga

of the fact that the Senior Manager was on treatment, they were not able to proceed further. They do not constitute any sufficient cause.

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.SR48317/2016 stands rejected.

5.The petitioner/Insurance Company is directed to deposit the entire amount to the credit of M.C.O.P. No.163 of 2013 on the file of the Motor Accidents Claims Tribunal, (Sub Judge), Perundurai, 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.

28.09.2016

vga

C.M.P.No.14900 of 2016 in
C.M.A. No.SR48317 of 2016