

C.M.P.No.14979 of 2016 in
C.M.A. No.SR67147 of 2015

T.RAJA, J.

This petition has been filed with huge and unexplained delay of 3507 days in filing C.M.A. No.SR67147 of 2015 against the judgment and decree dated 04.10.2005 made in M.C.O.P. No.510 of 2003 on the file of the Motor Accidents Claims Tribunal, (Additional District and Sessions Judge, Fast Track Court No.IV), Poonamallee.

2.Learned counsel appearing for the petitioner would submit that after the claimant sustained injuries, he was subjected to four surgeries and due to the same, he was incapable of passing urine and stool. He would further submit that when the award was passed, the claimant was a minor and after attaining majority, the learned Tribunal has allowed payment out petition on 26.06.2013. Thereafter, his counsel advised him to file appeal for enhancement, as the Tribunal has awarded insufficient amount. According to the claimant, the delay is neither willful nor wanton.

3.But this Court is not able to see any merit or any sufficient cause to condone the delay. The reason is that when the award was passed on

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04.10.2005 with a permission to enjoy the interest, the petitioner cannot keep quite for more than 10 long years and it is not known why his counsel can advise to file the appeal for enhancement only in the year 2013. Moreover, the Lower Court documents could not be summoned as this would have been in a dilapidated condition. Even if they are produced, they would not be readily usable in view of its bad condition.

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, this petition fails and the same is dismissed. Consequently, CMA No.SR67147/2015 stands rejected.

28.09.2016

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