

C.M.P.No.14980 of 2016 in
C.M.A. No.SR62939 of 2016

T.RAJA, J.

This petition has been filed with unexplained delay of 235 days in filing C.M.A. No.SR62939 of 2016 against the judgment and decree dated 01.09.2015 made in M.C.O.P. No.102 of 2015 on the file of the Motor Accidents Claims Tribunal, (Chief Judicial Magistrate), Nagapattinam.

2.Learned counsel appearing for the petitioner would submit that after the award was passed on 01.09.2015, the same was made ready only on 07.10.2015. He would further submit that after obtaining the order copy, the same was forwarded to the legal department for obtaining opinion. In this process, the bundle was misplaced. Hence, the delay of 235 days had occurred, which is neither willful nor wanton.

3.When the claimant has suffered serious and multiple injuries all over the body and he has been suffering with pain, this Court is not able to find any justification on the part of the petitioner/Insurance Company, who has come to this Court with a huge delay of 235 days, to drag on the matter in order to delay the payment of the award

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amount. Therefore, finding no explanation or sufficient cause to condone the delay, the delay petition seeking to condone the delay of 235 days in filing, is dismissed. Consequently, CMA No.SR62939/2016 stands rejected.

4.The petitioner/Insurance Company is directed to deposit the entire amount to the credit of M.C.O.P. No.102 of 2015 on the file of the Motor Accidents Claims Tribunal, (Chief Judicial Magistrate), Nagapattinam, 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

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