

C.M.P.No.16153 of 2016 in
C.M.A. No.SR44899 of 2016

T.RAJA, J.

The Managing Director of Tamil Nadu State Express Transport Corporation has proposed to file an appeal challenging the quantum of compensation of Rs.3,79,000/-, which was awarded by the learned Tribunal for the loss of life of the bread winner of the claimant's family.

2.Learned counsel appearing for the petitioner/Transport Corporation would submit that after the award was passed on 27.08.2015, the Management has decided to prefer appeal only on 22.06.2016. In the meanwhile, the delay of 208 days had occurred in obtaining legal opinion from the appeal committee and therefore the delay is neither willful nor wanton and hence the same may be condoned.

3.This Court is not able to find any sufficient cause in entertaining this petition, since nowhere the sufficient cause has been mentioned in the affidavit filed in support of the delay petition and the petitioner has simply mentioned the date of passing of the award. But the date on which it was made ready has not been mentioned and moreover on what date, they had obtained the legal opinion also has not been shown. Secondly, for the loss of life of the bread winner of the family, it is not known why the

T.RAJA,J.

vga

learned Tribunal has awarded only a sum of Rs.3,74,000/-. Although a meagre compensation has been awarded by the learned Tribunal, the Transport Corporation has proposed to file the appeal, which is wholly misconceived.

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.SR44899/2016 stands rejected.

5.The petitioner is directed to deposit the entire award amount to the credit of M.C.O.P.No.28 of 2011 on the file of the Motor Accidents Claims Tribunal, (II Additional Judge), Chidambaram, within a period of four weeks from the date of receipt of a copy of this order, failing which, the interest payable would become 12% p.a. for the delayed period. On such deposit, the claimant is permitted to withdraw the amount, by filing appropriate application before the Tribunal.

21.10.2016

vga

C.M.P.No.16153 of 2016 in
C.M.A. No.SR44899 of 2016