



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CMP(MD) No.6834 of 2016

IN

CMA(MD) No.SR26021 of 2008

M/S.NATIONAL INSURANCE CO.LTD.

NO.33, PROMENADE ROAD, TRICHY-1.

... PETITIONER/APPELLANT.

Vs

1 CHINNAMMAL,

2 MINOR.VENKATTAMMAL,

3 MINOR.DHANALAKSHMI,

4 MINOR.POHUMPONNU,

5 MINOR.AMMAVASAI,

6 MINOR.YOGALAKSHMI,

(MINOR RESPONDENTS 2 TO 6 ARE

REP.BY THEIR MONTER AND GUARDIAN

1st RESPONDENT HEREIN)

7 M.MURUGAN,

... RESPONDENTS/RESPONDENTS.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Condone the delay of 2709 days in representing the C.M.A.S.R.No.26021 of 2008.

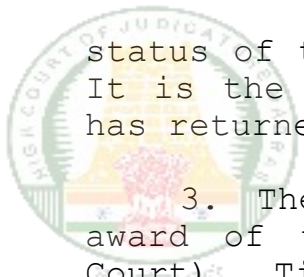
Prayer in CMA(MD) No.SR26021 of 2008:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order and decree dated 05.09.2006 passed in M.A.C.O.P No.1305 of 2002 on the file of the Motor Accidents Claims Tribunal, III Additional Sub Court, Tiruchirappalli to allow this appeal with cost.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. P.MALINI, Advocate for the petitioner, the court made the following order:-

This application is filed seeking to condone the delay of 2709 days in representing the appeal papers.

2. In support of the affidavit filed, it has been averred that the appeal was presented on 23.06.2008 and the papers were returned by the office on 16.10.2008 to rectify some defects. After bifurcation of the Regional Office and after opening of a new office at Madurai, the petitioner was not in a position to communicate the



status of the case to their counsel to represent the appeal papers. It is the further case of the petitioner that the earlier counsel has returned the bundle and thereby, the delay has occurred.

3. The petitioner has preferred the appeal challenging the award of the Motor Accident Claims Tribunal (III-Additional Sub Court), Tiruchirappalli, awarding compensation of Rs.4,83,000/- together with interest at the rate of 7.5% per annum.

4. It is seen from the records that the deceased was aged about 45 years at the time of accident and the Tribunal, having found that the accident has taken place due to the negligence of the driver of the Tractor, held that the petitioner is liable to pay compensation.

5. The Tribunal fixed the income of the deceased as Rs.4,500/- per month and after deducting one-third amount towards his personal expenses held that he was contributing Rs.36,000/- per annum to his family. By applying multiplier of '13', the Tribunal has awarded compensation of Rs.4,68,000/- towards loss of dependency; Rs.5,000/- towards loss of consortium to the first claimant; Rs.5,000/- towards loss of love and affection to the other claimants and Rs.5,000/- towards funeral expenses and totally awarded a compensation of Rs.4,83,000/- together with interest at the rate of 7.5% per annum.

6. In my considered view, the award of the Tribunal is fair and reasonable.

7. Further, the petitioner has not shown sufficient cause for condonation of enormous delay of 2709 days in representing the appeal. In such view of the matter, the Civil Miscellaneous Petition is dismissed. No costs.

sd/-
19/07/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL
(III ADDITIONAL SUB COURT)
TIRUCHIRAPPALLI.

ORDER
IN
CMP(MD) No.6834 of 2016
IN
CMA(MD) No.SR26021 of 2008
Date :19/07/2016