



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

Friday, the Eighteenth day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CMP(MD) No.9694 of 2016
IN
CMA(MD) No.SR38636 of 2016

THE GENERAL MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION,
NAGERCOIL,NAGERCOIL VILLAGE,
AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT.

... PETITIONER/APPELLANT.

Vs

1 J.JAMES,
2 L.SAHAYA MARI
3 J.JOSE EVANGILIN SHARON
4 K.RANJITH RAJ
(THE 4TH RESPONDENT IS THE DRIVER OF THE
APPELLANT AND THAT GIVEN UP)

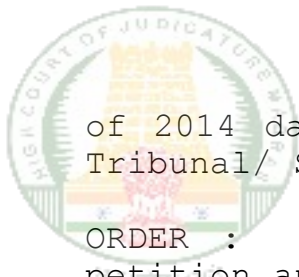
5 THE GENERAL MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION,
MADURAI DIVISION, MADURAI KOTTAM,
MADURAI.
(THE 5TH RESPONDENT IS THE SISTER CORPORATION AND
THAT GIVEN UP)

6 UNITED INDIA INSURANCE CO.LIMITED.
THROUGH ITS BRANCH MANAGER, XAVIOUR BUILDING,
P.W.D. ROAD, 2ND FLOOR, NAGERCOIL VILLAGE,
AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT. ... 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 47 days in filing the CMA(MD)SR.No.38636 of 2016 against the award and decree made in MCOP No.20 of 2014 dated 28.03.2015 on the file of the Motor Accident Claims Tribunal/Special Court, Nagercoil.

Prayer in CMA(MD) No.SR38636 of 2016:

<https://hcservices.ecourts.gov.in/hcservices/>
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to allow this appeal, set aside the award and decree made in MCOP No.20



of 2014 dated 28.03.2015 on the file of the Motor Accident Claims Tribunal/ Special Court, Nagercoil.

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.PRABHAKARAN, Advocate for the petitioner and of MR.B.TAMIL NIDHI, Advocate on behalf of the Respondents 1 to 3 and of MR.J.S.MURALI, Advocate for the 6th Respondent, the court made the following order:-

This petition is filed to condone the delay of 47 days in filing CMA(MD)SR No.38636 of 2016 against the award and decree made in M.C.O.P.No.20 of 2014 dated 28.03.2015 on the file of the Motor Accident Claims Tribunal (Special Court), Nagercoil.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 to 3 and the learned counsel for 6th respondent.

3.The learned counsel for the respondents opposed to condone the delay stating that the delay was wrongly calculated as 47 days instead of 560 days. He further contended that the fact regarding filing the execution petition was suppressed and the appellant stated the wrong facts in the appeal. Hence, this petition has to be dismissed.

4.Considering the submissions made by the learned counsel for the respondents, this Court is of view that the contentions made by the learned counsel for the respondents may be adjudicated at the time of admission after condoning the delay. The wrong calculation of number of days will not disentitle the petitioner from getting benefit of condonation of delay. Hence, the delay of 560 days in filing the above C.M.A.(MD)No.SR38636 of 2016 is condoned on payment of cost of Rs.1,000/- (Rupees One Thousand only) to the Legal Services Authority attached to this Bench, on or before 25.11.2016, failing which the petition shall stand dismissed automatically without any further reference to this Court.

5.If the aforesaid condition is complied with within the time stipulated and if the papers are in order, Registry is directed to number the appeal and post the same for admission.

6.Print the name of Mr.J.S.Murali, learned counsel for the sixth respondent at the time of admission.

sd/-

18/11/2016

/ TRUE COPY /

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



THE MOTOR ACCIDENTS CLAIMS TRIBUNAL/SPECIAL COURT,
NAGERCOIL

COPY TO:

- 1 THE OFFICER INCHARGE,
TAMIL NADU LEGAL AID SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP (MD) No.9694 of 2016
IN
CMA (MD) No.SR38636 of 2016
Date :18/11/2016

MSM/SS3/SAR-J/30.11.2016/3P/4C