

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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M.A.C.M.A.M.P.No.2865 of 2011

IN/AND

M.A.C.M.A.No.297 of 2016

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ORDER:

MACMA MP No.2865 of 2011 is filed to condone the delay of 1162 days in filing the appeal against the order and decree dated 25.01.2008 in O.P.No.555 of 2006 of Motor Accidents Claims Tribunal-cum-V Additional District Judge (F.T.C), Anantapur.

2. The delay of 1162 days sought for condoning in filing the un-numbered appeal with the affidavit of the first claimant, father of the deceased though there are six claimants, others are not dependants but for the parents as per the settled law, and in the affidavit particularly, at para 3 what is averred is after disposal of the above said O.P., he contacted his advocate immediately and asked him to file certified copies from the advise to prefer appeal with fair chances and copy application filed and certified copy of decree and judgment was taken on 12.02.2008. Having so admitted what further stated is he has no knowledge to look after the case and senior citizen and therefore the present delay, which is not wanton to condone.

3. The other sides seriously opposed the same.

4. Heard and perused the material on record.

5. There is no little whisper subsequent to obtaining certified copy even from the self same affidavit says he filed for certified copy of the judgment and decree to prefer appeal from the legal advise and get it. The further day to day explanation totally lacking. Hence, there are no sufficient grounds or any sufficient cause to condone the delay.

6. Consequently, the main appeal is rejected. There is no order as to costs.

7. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:25-01-2016

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