

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2017

CORAM : THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

CMA.No.2857 of 2004

P.Meenalochani

...

Appellant

Vs.

1.M/s.India Cabs

2.The Oriental Fire & Insurance Co. Ltd.

...

Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 110(D) of the Motor Vehicles Act, 1939, against the order of the Motor Accidents Claims Tribunal, Madras in MP.No.1974 of 1984 dated 16.8.85 in unnumbered OP.No.... of 1984.sz

For Appellant :No Appearance
For Respondents :No Appearance

JUDGMENT

This is an appeal filed by the claimant challenging the order condoning the delay of 453 days in preferring a claim petition under now repealed Motor Vehicles Act, 1939. The simple case of the claimant was that on 01.1.1983, while she was walking along with her son in the platform, the offending car knocked her down, owing to which she suffered simple injuries. She could not file the petition in time. In her affidavit filed in support of her application for condonation of delay, she would say that she was first admitted in the General Hospital, from where she was transferred to KMC Hospital, that she was laid up for a long time, that she had to resign her job, that she approached the

nominated a certain Advocate, but who then switched his practice over to the Supreme Court, wherein after the committee approached another lawyer and she could not find the necessary particulars immediately and that in the meantime, the claimant herself had to go to Pondicherry for about three months. Considering all the aspects and the evidence on record, the Tribunal condoned the delay,

2. Today when the matter is taken up for hearing, there was no representation for the appellant as well as the respondent. This Court perused the materials on record before it and passed orders.

3. I not only find any merit for sustaining the appeal but also find no material worthy enough to sustain the appeal. In fine, the Civil Miscellaneous Appeal is dismissed, confirming the order of the Tribunal dated 16.08.1985 in M.P.No.1974 of 1984 in unnumbered O.P. .. of 1984. No costs. Consequently, connected miscellaneous petition is closed.

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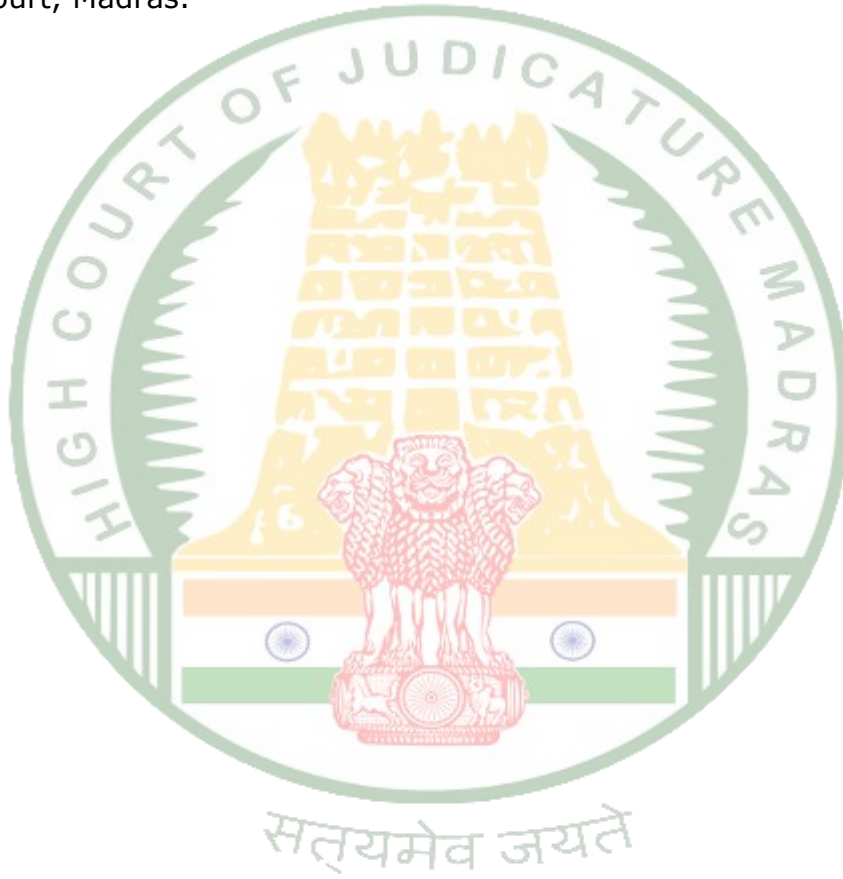
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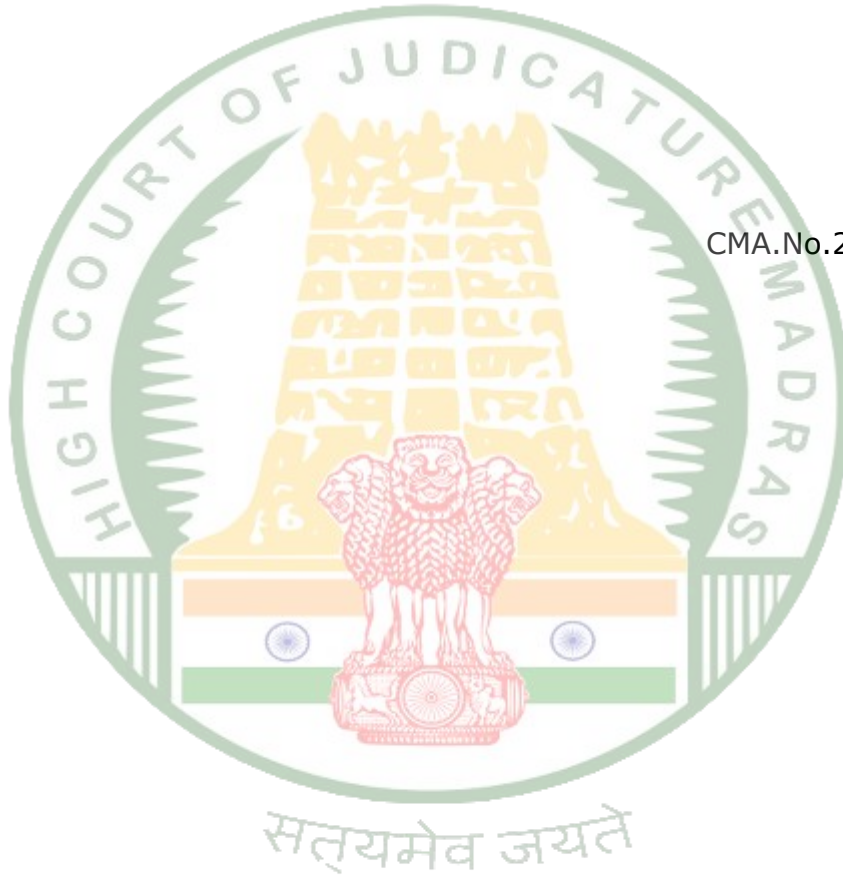
- 1.The Motor Accidents Claims Tribunal
Court of Small Causes No.II
Chennai.
- 2.The Section Officer,
VR Section,
High Court, Madras.



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N.SESHASAYEE, J.

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