



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2017
CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

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C.M.P(MD)No.2623 of 2017
in
C.M.A(MD)No.SR 3698 of 2017
and
C.M.A(MD)No.SR 3698 of 2017

1.Kaliyanandi
2.Pachiammal
3.Minor Akitha
4.Minor Malarkodi
(Minors rep. By their father and
natural guardian of the 1st
Appellant herein)

.. Appellants / Petitioners

Vs.

1.P.Duraichi Ammal

2.The Branch Manager,
M/s.The New India Assurance Company Limited,
Kovilpatti,
Tuticorin District.

3.R.K.Arumugam

4.The Branch Manager,
M/s. The Oriental Insurance Company Ltd.,
Virudhunagar.
(No claim as against the 3rd and 4th respondents.
Hence they are given up.)

.. Respondents/Respondents

PRAYER in C.M.P(MD)No.2623 of 2016: Petition has been filed Under Section 173(1) of M.V. Act, to condone the delay of 4547 days in filling in C.M.A.SR. No.3698 of 2017.

Prayer in C.M.A(MD)SR.No.3698 of 2017:-Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act 1988 against the judgment and Decree for enhancement of compensation in M.C.O.P.No.91 of 2001 on the file of the Motor Accident Claims Tribunal, Sub Judge, Srivilliputhur, dated 30.06.2004.

For Petitioners : Mr.K.Kumaravel

**ORDER**

The petitioners have come out with present petition to condone the delay of 4547 days in filing the C.M.A.(MD).SR.No.3698 of 2013.

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2.The petitioners filed a claim petition in M.C.O.P No.91 of 2001 for claiming compensation for the death of son of the petitioners 1 & 2 and brother of the third respondent in the road accident that occurred on 28.01.2001. By the award, dated 30.06.2004, the Tribunal awarded a sum of Rs.2,15,000/- as compensation. The petitioner applied for copy application on 05.07.2004. Now the petitioners have come out with the present petition for condoning the delay of 4547 days in filing the appeal for enhancement of compensation. According to the petitioners, they could not arrange the money to pay Court fee to file an appeal for enhancement of compensation. Only, now they are able to get the money from the relatives and friends.

3.I have heard the learned counsel appearing for the petitioners and perused materials on records.

4.The petitioner has filed appeal after 12 ½ years of the award, dated 30.06.2004. The reason given by the petitioner is not valid and sufficient for condoning the delay. Hence, this C.M.P (MD)No.2623 of 2017 is dismissed. Consequently, connected C.M.A (MD)No.SR.3698 of 2017 is rejected.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

MRN/AM

PSM/MR/03.05.2017/2P/1C

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