



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.P. (MD) No.3840 of 2017

in

C.M.A (MD) .No.SR.42762 of 2016

Subramanian

... Petitioner

Vs.

1.Rajam

2.S.Paulraj

... Respondents

Prayer: Petition filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 2452 days in filing the Civil Miscellaneous Appeal before this Court as against the award passed in M.C.O.P.No.194 of 2005 dated 06.11.2009 on the file of the Additional Subordinate Judge, Motor Accident Claims Tribunal, Additional Sub Court, Thenkasi.

For Petitioner

: Mr.K.Gokul

For R-1

: Mr.Muthu Karuppan

O R D E R

The vehicle owner has filed the appeal questioning the award dated 06.11.2009 in M.C.O.P.No.194 of 2005 on the file of the Additional Subordinate Judge, Motor Accident Claims Tribunal, Additional Sub Court, Thenkasi.

2.Admittedly, the petitioner herein was served with the summons. He had engaged a counsel and entered appearance. But he did not take part in the proceedings, thereafter. An *ex parte* award came to be passed on 06.11.2009. The petitioner did not choose to file an appeal immediately. He has knocked the doors of this Court after a delay of 2452 days. To condone the same this C.M.P. (MD) .No.3840 of 2017 has been filed. In the affidavit filed in support of the delay condonation petition, no acceptable reasons have been set out. In fact there is no reason set out at all. The petitioner has stated that he was not even aware about the existence of the appellate remedy. No ground has been made out to condone the delay. This Civil Miscellaneous Petition stands dismissed, accordingly. No costs. Consequently, the connected C.M.A. (MD) .No. (SR) 42762 of 2016 is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

1. The Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Additional Sub Court, Thenkasi

2. The Section Officer (Vernacular Section), (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Muthu Karuppan, Advocate Sr.No.89872

KMI/PSD

VB/JC/SAR2/21.02.2018/2P/5C

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