

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.17596 of 2018
and
C.M.A.SR.No.44242 of 2018

1.Renganayaki
2.Renga Namagiri Laxmi
3.Ambareesh Varadhan

4.Minor.Manju Parkavi
(4th minor petitioner rep. by
Guardian/next friend/mother
Renganayaki)

.. Petitioners

Vs.

1.M/s.Selvam Broilers (P) Ltd.
No.46, Co-op. Colony
Gandhi nagar, Namakkal town.

2.United India Insurance Company Ltd.
No.2, Dr.Sankaran road
Namakkal.

.. Respondents

PRAYER: C.M.P.No.17596 of 2018 is filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 1881 days in filing C.M.A.SR.No.44242 of 2018.

C.M.A.SR.No.44242 of 2018 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 31.08.2012 made in M.C.O.P.No.706 of 2011 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Namakkal.

For Petitioners : Mr.C.Thangaraju

For R2 : Mr.T.Ravichandran

ORDER

C.M.P.No.17596 of 2018 is filed to condone the delay of 1881 days in filing C.M.A.SR.No.44242 of 2018.

C.M.A.SR.No.44242 of 2018 is filed against the judgment and decree dated 31.08.2012 made in M.C.O.P.No.706 of 2011 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Namakkal.

2.The learned counsel appearing for the petitioners contended that due to hectic work and domestic issues, the first petitioner could not file the appeal in time. The delay is neither wilful nor wanton. Therefore, he prayed for condonation of delay in filing the Civil Miscellaneous Appeal.

3. Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the second respondent and perused the materials available on record.

4. From the averments made in the affidavit filed in support of this petition, it is seen that the award was passed on 31.08.2012 and C.M.A. was filed on 12.06.2018. It is well settled that the application for condoning the delay must be considered liberally and length of delay is not a criteria. The Court must see whether the parties have given acceptable and valid reason and the intention of the parties is bonafide and not malafide. The parties should not be shut down at the threshold itself and they must be given an opportunity to put forth their case on merits. In the present case, the reasons given by the petitioners for condonation of delay of 1881 days in filing the C.M.A. are not valid reasons. Hence, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.17596 of 2018 stands dismissed and consequently, C.M.A.SR.No.44242 of 2018 is rejected. No costs.

05.12.2018

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To

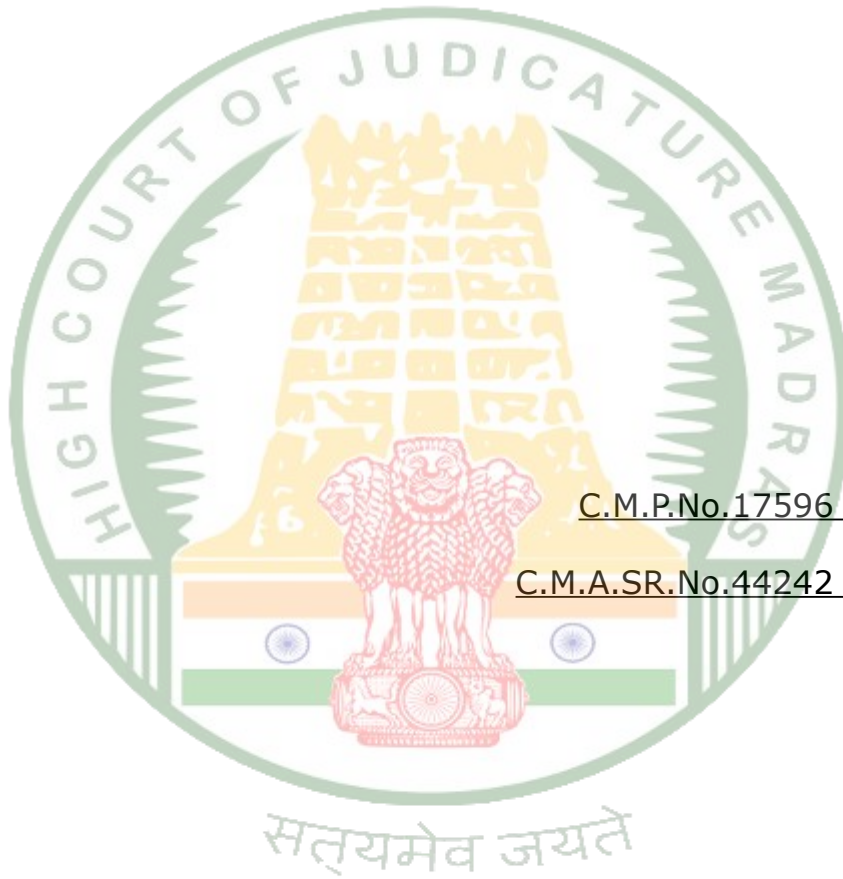
The Motor Accidents Claims Tribunal
Principal District Judge, Namakkal.



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V.M.VELUMANI,J.

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and
C.M.A.SR.No.44242 of 2018

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