

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.19115 of 2018
and C.M.A.SR.No.117678 of 2018

1.D.Sarala
2.D.Saravanan
3.D.Sasikala
4.D.Kowsalya
5.Lakshmi

.. Petitioners

Vs.

M/s.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai, Chennai 600 002.

.. Respondent

PRAYER: C.M.P.No.19115 of 2018 is filed to condone the delay of 2073 days in preferring C.M.A.SR.No.117678 of 2018.

C.M.A.SR.No.117678 of 2018 is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 21.07.2012, made in M.C.O.P.No.1406 of 2009 on the file of the XV Additional Judge, City Civil Court, (Motor Accidents Claims Tribunal), Chennai.

For Petitioners : M/s.Ramya V.Rao

For Respondent : Dr.S.S.Swaminathan

ORDER

C.M.A.SR.No.117678 of 2018 has been filed against the award dated 21.07.2012, made in M.C.O.P.No.1406 of 2009 on the file of the XV Additional Judge, City Civil Court, (Motor Accidents Claims Tribunal), Chennai.

C.M.P.No.19115 of 2018 has been filed to condone the delay of 2073 days in preferring C.M.A.SR.No.117678 of 2018.

2. According to the learned counsel for the petitioners/appellants, the 1st petitioner/1st appellant spent the entire amounts awarded by the Tribunal for the marriage of her two daughters viz., petitioners 3 & 4/appellants 3 & 4 and she required further amount. Hence, she consulted her Advocate. The counsel advised her that she can file appeal, but has to forgo the interest for the delay period. In view of the said advice, the 1st petitioner/1st appellant is ready to waive the interest for the delay period for the enhanced amount.

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

record.

4.The reason given by the petitioners/appellants for condoning the delay of 2073 days is not valid and sufficient. It is well settled law that application for condoning the delay must be considered liberally and length of delay is not a criteria. 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. The Courts must see whether the parties have given acceptable and valid reason and the intention of the parties is bonafide and not malafide. In the present case, the petitioners have not given any sufficient and valid reason for condoning the delay of 2073 days.

5.In the result, this Civil Miscellaneous Petition is dismissed and the Civil Miscellaneous Appeal is rejected at the SR stage itself.

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To

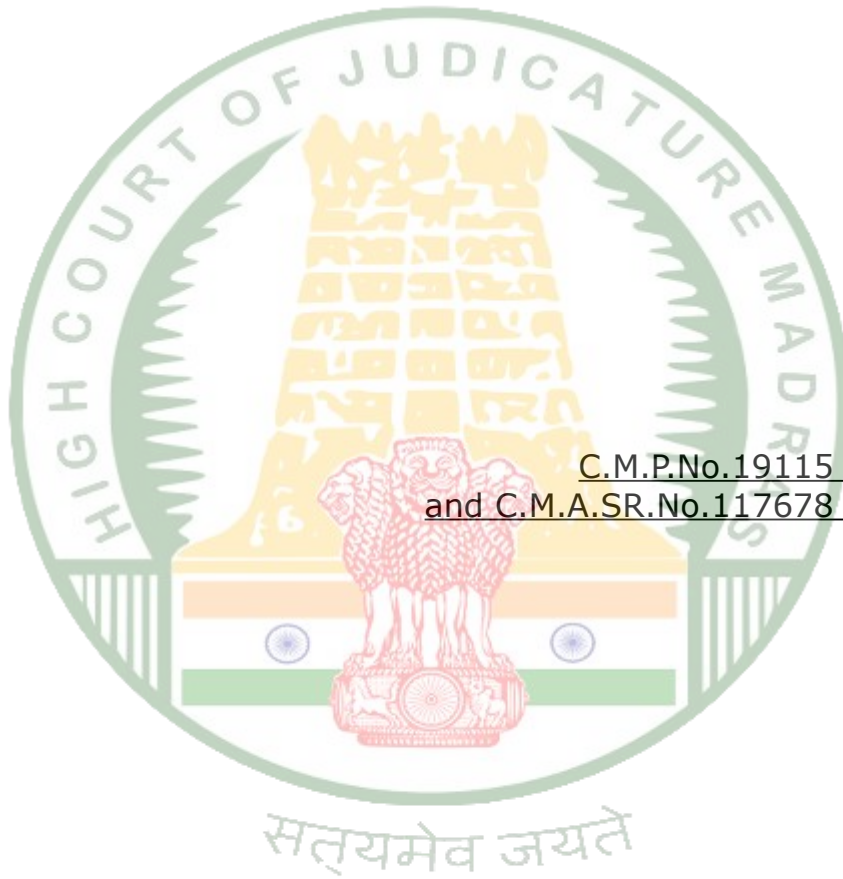
1.M/s.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai, Chennai 600 002.

2.The XV Additional Judge,
City Civil Court,

(Motor Accidents Claims Tribunal), Chennai.

V.M.VELUMANI,J.

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