



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Seventh day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP (MD) No.1484 of 2018

IN

CMA (MD) No.SR16145 of 2013

M/S. RELIANCE GENERAL INSURANCE CO.,LTD.,
REP.BY ITS BRANCH MANAGER,
10H/4, 2ND FLOOR, THAHA PLAZA,
SOUTH BYE PASS ROAD, VANNARPETTAI,
TIRUNELVELI TOWN.

... PETITIONER/APPELLANT

Vs

1 MANOHARAN
2 NAGARAJAN
3 VIJAYALAKSHMI

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 1714 days in re-presenting the appeal papers in CMA(MD)SR.16145 of 2013 on the file of this Honourable Court.

PRAYER IN CMA(MD)SR.16145 of 2013:

To set aside the fair and decreetal order dated 09.04.2011 made in MCOP No.84 of 2008 on the file of the Motor Accident Claims Tribunals (Sub Court), Srivilliputhur and allow this Civil Miscellaneous Appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mrs.K.R.SIVASHANKARI, Advocate for the petitioner and of MR.M.THIRUNAVUKARASU, Advocate for R1, and of R2 & R3 not appeared either in person or by an Advocate, the court made the following order:-

This petition has been filed to condone the delay of 1714 days in re-presenting the above Civil Miscellaneous Appeal.

2. Challenging the fair and decreetal order dated 09.04.2011 passed in MCOP.No. 84 of 2008, by the Motor Accidents Claims Tribunal - Sub Court, Srivilliputur, awarding a compensation of Rs.3,56,999/- with interest to the respondent, the appellant / Insurance Company has filed the present appeal.



3. According to the petitioner, the appeal filed by the petitioner was returned on 05.04.2013 and the petitioner could not represented the same in time. It is submitted by the petitioner that there was a delay in obtaining the original claim petition, receipts and payment of deficit Court fee and hence, they could not represent the appeal papers in time.

4. The learned counsel appearing for the respondent submitted that the petitioner has not given any valid reason for condoning the delay and the delay of 1714 days is a huge delay. Hence, he prayed for dismissal of this petition.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. From the averments in the affidavit, it is seen that the petitioner has not given any particulars with regard to the date of obtaining the claim petition and other particulars. The petitioner has failed to give any particulars with regard to the delay. The reasons given by the petitioner are not valid. It is well settled principles of law that application to condone the delay must be considered liberally and length of delay is not a criteria. The party must be given sufficient reason for condoning the delay and the intention of the party must be bona fide. But, in the present case, the petitioner has not given any valid reason for condoning the delay. Hence, this Court is not inclined to allow this petition. Accordingly, this Petition is dismissed.

sd/-
07/08/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
(SUBORDINATE JUDGE), SRIVILLIPUTHUR

+1. C.C. to Mr.S.SRINIVASA RAGHAVAN, Advocate SR.No.77672
+1. C.C. to Mr.M.THIRUNAVUKARASU, Advocate SR.No.77647

ORDER
IN
CMP (MD) No.1484 of 2018
IN
CMA (MD) No.SR16145 of 2013
Date : 07/08/2018