



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CMP(MD) No.11452 of 2017
IN
CMA(MD) No.SR50201 of 2017

THE MANAGING DIRECTOR
TNSETC LTD., PALLAVAN SALAI,
CHENNAI.

... PETITIONER / APPELLANT

Vs

1 P.BABY

2 MINOR M.B.MARI ANTONY KISHIN,
S/O.LATE GLADSTONE @ MARIYA ANTONY GLADSTON,

3 MINOR.M.B.MARIA ANTONY KINUSH,
S/O.LATE GLADSTONE @ MARIYA ANTONY GLADSTON,

4 MINOR M.B.MARIA KIRSHIKA DHARSANA,
S/O.LATE GLADSTONE @ MARIYA ANTONY GLADSTON,
(RESPONDENTS 2,3 AND 4 ARE MINORS REPRESENTED BY
THEIR NATURAL GUARDIAN MOTHER THE 1st RESPONDENT)

5 P.JESU ADIMAI

6 A.MARIA GLORY

7 A.NAGARAJAN

... RESPONDENTS/ RESPONDENTS

(THE 7th RESPONDENT IS THE DRIVER
OF THE APPELLANT AND THAT GIVEN UP)

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 616 days in filing the Civil Miscellaneous Appeal against the Award and decree made in MCOP.No.171 of 2012 dated 17/11/2015 on the file of the Motor Accidents Claims Tribunal / Sub court, Padmanabhapuram.

PRAYER IN CMA(MD) No.SR50201 of 2017:-

to allow this appeal, setaside the award and decree made in M.C.O.P.No.171 of 2012 dated 17.11.2015 on the file of the Motor Accident Claims Tribunal / sub Court, Padmanabhapuram

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.PRABHAKARAN, Advocate for the petitioner and of Mr.N.DILIP KUMAR, Advocate for R1 to R6 the court made the



following order:-

The learned counsel for the petitioner and the learned counsel for the respondent are present and heard. The petitioner herein is the Transport Corporation and R1 to R6 are claimants.

2. Against the award passed by the Tribunal, present appeal preferred by the petitioner herein. In preferring the said appeal, there is a delay of 616 days, more than a year in filing the said appeal.

3. The reason assigned in paragraph 3 and 4 of the affidavit is also perused and considered and the counter allegation made in the counter affidavit in respect of the delay is also considered.

4. The learned counsel for the petitioner submitted that the case bundle was mingled with other case bundles kept in his office and the same was traced out in the month of August 2017. Though the legal opinion from the Transport Corporation was obtained in third week of January 2016 and after getting approval and sanction from the authorities, the appeal papers handed over to the present counsel on 22.09.2017.

5. The alleged delay is more than a year. The reasons assigned in the affidavit for the delay is not legally acceptable one. However, considering the merits of the appeal, this Court is inclined to condone the delay on terms that the petitioner is directed to pay a sum of Rs.1,000/- to the learned counsel for the respondents / claimants on or before 14.03.2018, failing which this petition shall stand dismissed.

6. Post this matter on 14.03.2018 for reporting compliance.

sd/-
06/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

THE MOTOTR ACCIDENT CLAIMS TRIBUNAL /
SUBORDINATE JUDGE, PADMANABHAPURAM

COPY TO:

THE SUB-ASSISTANT REGISTRAR,
WRIT A.E. SECTION, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

gns

JAM/12/03/2018/ CM-VR / SAR 2 / 2p-3c