



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

Tuesday, the Seventh day of August Two Thousand Eighteen

PRESENT

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

CMP(MD) No.278 of 2018

IN

CMA(MD) No.SR51892 of 2017

SUBBURAJ (DIED)

1 MAHALAKSHMI

2 VIJAYA,

... PETITIONERS / APPELLANTS

Vs

1 BALAMURALI

2 NEW INDIA ASSURANCE COMPANY LIMITED,
NO.868 BIG BAZZAR STREET,
TOWN HALL, COIMBATORE.

... 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 1272 days in preferring the above civil miscellaneous appeal and thus render justice.

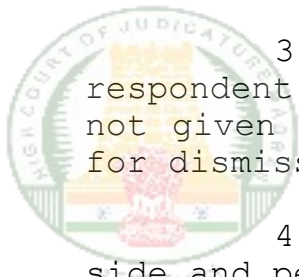
PRAYER IN CMA(MD) SRNo.51892 of 2018:-

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the judgment and decree passed in M.C.O.P.No.22/2009 dated 27.03.2014 and enhance further compensation to extend of Rs.2,00,000 with interest and cost.

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.N.BALAKRISHNAN for M/S.U.MINNAVADI, Advocate for the petitioners and of M/S.JAYASHREE RAMESH for R2, the court made the following order:-

This petition has been filed to condone the delay of 1272 days in filing the above Civil Miscellaneous Appeal.

2. According to the petitioners, they could not file appeal in time as they have no money to meet out the litigation expenses. After receiving the portion of compensation amount from the Service Insurance Corporation, they have filed the present appeal with a delay of 1272 days.



3. The learned counsel appearing for the second respondent / Insurance Company submitted that the petitioners have not given any valid reason for condoning the delay and he prayed for dismissal of this petition.

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

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5. From the averments in the affidavit, it is seen that the petitioners have not given any particulars with regard to when they received compensation amount. The petitioners have failed to give any particulars with regard to delay. The reason given by the petitioners are not valid and sufficient. 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 reason given by party must be sufficient and valid for condoning the delay and the intention of the party must be bona fide. But, in the present case, the petitioners have not given any valid reasons for condoning the delay. Hence, this Court is not inclined to allow this petition.

6. 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 SUBORDINATE JUDGE / MOTOR ACCIDENT CLAIMS TRIBUNAL,
KOVILPATTI.

ORDER

IN

CMP(MD) No.278 of 2018

IN

CMA(MD) No.SR51892 of 2017

Date :07/08/2018

MV:MMS:SAR4:06/09/18/2P/2C