



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P. (MD) No.519 of 2017

in

C.M.A. (MD) No.SR11428 of 2015

and

C.M.A. (MD) No.SR11428 of 2015

Rajendran

...Petitioner / Appellant in
C.M.A (MD) SR.11428/2015
sought to preferred
on the file of this court

Vs.

1. The Managing Director,
Tamil Nadu Government Transport Corporation,
Madurai Circle, 4,
Dindigul.
2. R.Singaram
3. The Branch Manager,
National Insurance Company Ltd.,
74-4, Namakkal Branch,
Paramathi Road, Namakkal - 637 001.

...Respondents/ Respondents in
C.M.A (MD) SR.11428/2015
sought to be preferred
on the file of this court

PRAYER in C.M.P. (MD) No.519 of 2017:- Petition filed to condone the delay of 2748 days in preferring the civil miscellaneous appeal in C.M.A. (MD) No.SR11428 of 2015.

PRAYER in C.M.A. (MD) No.SR11428 of 2015:- Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 11.04.2007, made in M.C.O.P.No.275 of 2000, on the file of the Additional District and Sessions (Fast Track Court) No.III, Madurai.

For Petitioner
/ Appellant : Mr.P.Ganapathi Subramanian
For Respondents : Mr.P.Prabhakaran for R.1
Mr.J.S.Murali for R.3

**ORDER**

The petitioner has come out with the present petition to condone the delay of 2748 days in filing the appeal against the award dated 11.04.2007 in M.C.O.P. 275 of 2005 on the file of the learned Additional District and Sessions Judge (Fast Track Court No.III) Madurai.

2. The petitioner filed the Claim Petition claiming a sum of Rs.3 lakhs as compensation for the injuries suffered by him in the accident took place on 11.07.1999. After the trial, the Tribunal granted compensation of Rs.25,000/-. The appellant has filed CMA (MD) SR. No.11428 of 2015 for enhancement of compensation to Rs.2,75,000/- . The appellant filed C.M.P.(MD) No.519 of 2017 to condone the delay of 2748 days in filing the appeal.

3. According to the petitioner, due to permanent disability , the petitioner lost his job and he did not have money to file appeal and now only he borrowed money from his relatives and instructed his counsel to file an appeal.

4. The learned counsel appearing for the first and third respondents submitted that the petitioner has not given any reason for the delay of 2748 days. The Tribunal after perusing the oral and documentary evidence awarded the compensation, which is just compensation and there is no reason to enhance the compensation and prays for dismissal of this petition.

5. Heard the learned counsel appearing for the petitioner and the respondents 1 and 3 and perused the materials available on record.

6. From the materials available on record, it is seen that the petitioner has filed the appeal for enhancement of compensation with the present petition to condone the delay of 2748 days in filing the appeal. The petitioner has not furnished any details as to when he borrowed money and from whom he borrowed money to file the appeal. It is well settled that the reasons given by the petitioner to condone the delay must be sufficient and valid. In the present case, the reasons given by the petitioner are not sufficient to condone the delay. Hence, this petition is dismissed. Consequently, C.M.A.(MD)No.SR11428 of 2015 is rejected in SR stage itself.

Sd/-

Assistant Registrar (Writs)

/True Copy/



To

The Additional District and Sessions Judge,
Fast Track Court No.III, Madurai.

Copy to:

The Record Keeper,
Vernacular Section, (2 Copies)
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Prabhakaran, Advocate SR.No.77749

+1cc to Mr.J.S.Murali, Advocate SR.No.77886

Cm

MK/RSK/SAR 2/10.09.2018/3P/6C

C.M.P. (MD) No.519 of 2017

in

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