



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

Monday, the Thirteenth day of August Two Thousand Eighteen

PRESENT

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

CMP(MD) No.4591 of 2018

IN

CMA(MD) No.SR16839 of 2018

SUBRAMANI

... PETITIONER / PETITIONER

Vs

1 TAMILSELVI

2 THE DIVISIONAL MANAGER

THE ORIENTAL INSURANCE COMPANY (P) LTD,
SHOBA COMPLEX, RAILWAY STATION ROAD,
PALAKKAD, KERALA STATE 679 001

... 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 3316 days in filing the present Civil Miscellaneous Appeal and thus render justice.

PRAYER IN CMA(MD)SR.No.16839 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 decree and award dated 16.12.2008 made in M.C.O.P.No.35 of 2006 passed by the Learned Additional Sub-Judge, (Motor Accident Claims Tribunal) Dindigul and enhanced the award amount and allow this appeal and thus render justice.

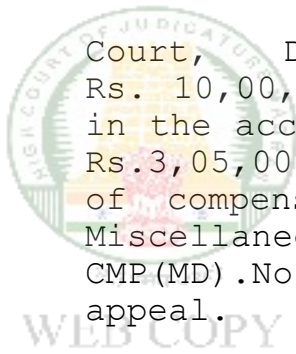
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.VADIVELAN, Advocate for the petitioner and of Mr.A.ILANGO Advocate for R2, and for R1 not appeared either in person or by an advocate, the court made the following order:-

This petition has been filed to condone the delay of 3316 days in filing the above Civil Miscellaneous Appeal.

2. Though the first respondent entered appearance through her counsel, there is no representation on behalf of the first respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioner is the claimant in MCOP.No.35 of 2006, on the file of the Motor Accident Claims Tribunal / Additional Sub



Court, Dindigul. He filed claim petition claiming a sum of Rs. 10,00,000/- as compensation for the injuries sustained by him in the accident. After contest, the Tribunal has awarded a sum of Rs.3,05,000/- as compensation. Not being satisfied with the quantum of compensation, the petitioner has filed the present Civil Miscellaneous appeal for enhancement of compensation along with CMP(MD).No.4591 of 2018 to condone the delay of 3316 in filing the appeal.

4. According to the petitioner, he has spent huge amount towards medical expenses for the injuries sustained by borrowing money from the private parties. Due to the injuries, he could not do his work and could not pay interest to the creditors and he is mentally upset. Now only he recovered from the mental illness and filed the present appeal by obtaining loan from the relatives. It is further stated by the petitioner that the delay is neither wilful nor wanton.

5. The learned counsel appearing for the second respondent submitted that the petitioner has not given any valid and sufficient reason for condoning the delay. He further submitted that the Tribunal considering the evidence, awarded compensation, which is just and reasonable and prayed for dismissal of the petition.

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

7. From the averments in the affidavit filed in support of this petition, it is seen that the petitioner has stated that he could not pay the interest to the creditors for the amounts borrowed for his medical expenses and he was mentally up-set. The petitioner has not furnished any details with regard to the said contention. Further, the reason given by the petitioner is 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 a 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 petitioner has not given any valid and sufficient reason for condoning the delay. Hence, this Court is not inclined to allow this petition.

8. This Petition is dismissed accordingly.

sd/-
13/08/2018

/ TRUE COPY /

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



TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL /
ADDITIONAL SUBORDINATE JUDGE,
DINDIGUL.

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+1. C.C. to M/S.T.VADIVELAN Advocate SR.No.15539

ORDER

IN

CMP (MD) No.4591 of 2018

IN

CMA (MD) No.SR16839 of 2018

Date :13/08/2018

MV:VR:SAR1:06/09/18/2P/3C