

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.NO.3976 OF 2019
IN
C.M.A.SR.NO.10723 OF 2013

The Managing Director,
Tamil Nadu Transport Corporation,
Erode.

.. Petitioner

Vs.

1.S.Guna @ Gunasekaran

2.V.Selvaraj .. Respondents
(R2 is Driver, unnecessary party, Hence given up)

PRAYER:

C.M.P.No.3976 of 2019 is filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 546 days in filing the above appeal.

C.M.A.SR.No.10723 of 2013 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 18.04.2011 made in M.C.O.P.No.44 of 2010 on the file of the Motor Accidents Claims Tribunal, Sub Judge, Perundurai.

For Petitioner : Ms.R.T.Sundari

O R D E R

C.M.P.No.3976 of 2019 is filed to condone the delay of 546 days in filing the above appeal.

C.M.A.SR.No.10723 of 2013 is filed against the judgment and decree dated 18.04.2011 made in M.C.O.P.No.44 of 2010 on the file of the Motor Accidents Claims Tribunal, Sub Judge, Perundurai.

2.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. According to the petitioner, the award was passed on 18.04.2011, copy application was filed on 28.11.2012, the copy was made ready on 26.12.2012 and the copy of the award was received on 31.12.2012. While the case papers were sending for obtaining legal opinion to the committee, the same were misplaced by the staff along with other office records and the same was traced only on 22.01.2013. Hence the delay of 546 days as occurred in filing the appeal. The reason given by the petitioner is not valid and sufficient to condone the delay of 546 days in filing the appeal. The petitioner is not diligent enough to prosecute the case. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.3976 of 2019 stands dismissed and consequently, C.M.A.SR.No.10723 of 2013 is rejected. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mtl

To

The Subordinate Judge,
The Motor Accidents Claims Tribunal,
Perundurai, Erode.

C.M.P.No.3976 of 2019
in

C.M.A.SR.No.10723 of 2013

NRL (CO)
CS/01/07/2019

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