

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.17306 of 2016
and C.M.A.SR.No.95336 of 2015

National Insurance Company Limited.,
having its branch office at
74-A, Paramathy Road,
Namakkal Taluk & District-637 001.

.. Petitioner

Vs.

1.Shankar
2.Sathyabama
(2nd Petitioner declared as a major
as per order in I.A.No.589/12, Dt.21.12.2012)

3.Minor Sangeetha
4.Minor Sangavi
(3rd and 4th minors are represented
by their father/1st petitioner)

5.S.P.Selvaraj
(5th respondent herein
was set as exparte by the court below)

.. Respondents

PRAYER: C.M.P.No.17306 of 2016 is filed to condone the delay of
853 days in filing the above appeal C.M.A.SR.No.95336 of 2015.

C.M.A.SR.No.95336 of 2015 is filed under Section 173 of Motor
Vehicles Act, 1988, against the Judgement and Decree dated

21.12.2012 made in M.C.O.P.No.284 of 2012 on the file of the Motor Accident Claims Tribunal Authority / Additional District Judge, Ariyalur.

For Petitioner : Mr.K.Padmanabhan

ORDER

The present Civil Miscellaneous Petition is filed to condone the delay of 853 days in preferring the Civil Miscellaneous Appeal against the decree and judgment passed by the Motor Accident Claims Tribunal Authority / Additional District Judge, Ariyalur, in MCOP. No.284 of 2012 dated 21.12.2012.

2. According to the petitioner, after obtaining certified copy of the award, the lower Court counsel forwarded the same to the office of the appellant herein, in Namakkal, along with his opinion, to file an appeal before this Court. The concerned person who received the file misplaced the same and thereafter the said file was traced and forwarded to the Regional Office at Madurai, who in turn took steps to file an appeal. Due to the above, delay of 853 days has occurred and the delay in filing the appeal is neither willful nor wanton.

3. When the Civil Miscellaneous Petition is taken up for hearing, Mr.K.Padmanabhan, appearing for the petitioner submitted that the petitioner has paid the cost of Rs.500/- to the Mediation

and Conciliation Centre, under the impression that the petition is ordered and on that representation, he seeks four days time to verify and report before this Court.

4.From the Court bundle, it is verified that the petition is pending from the year 2016 and no order was passed to condone the delay with a conditional order and hence, contention of the learned counsel for the petitioner to post the matter after four days is rejected.

5.From the averments made in the affidavit filed in support of this petition, it is clear that the officials of the Insurance Company/petitioner are not diligent enough to prosecute the appeal by filing the same within time.

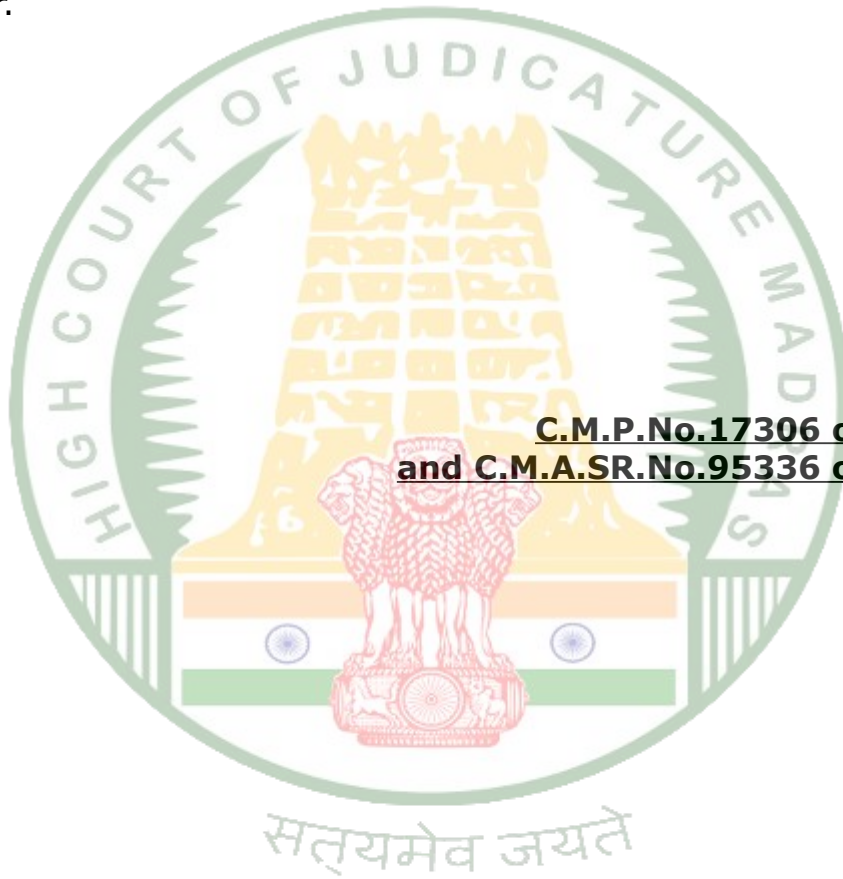
6.In the result, the Civil Miscellaneous Petition is dismissed and the Civil Miscellaneous Appeal is rejected at the SR stage itself. No costs.

08.02.2019

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V.M.VELUMANI,J.
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To
The Motor Accident Claims Tribunal Authority
Additional District Judge,
Ariyalur.



C.M.P.No.17306 of 2016
and C.M.A.SR.No.95336 of 2015

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