

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.7653 of 2018
and
C.M.A.SR.No.18620 of 2018

The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore) at Erode. .. Petitioner

Vs.

1.R.Nithin Kumar
2.T.Ramakrishnan .. Respondents

PRAYER: C.M.P.No.7653 of 2018 is filed under Section 173(1) of the Motor Vehicles Act, to condone the delay of 837 days in filing the above appeal.

C.M.A.SR.No.18620 of 2018 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 18.08.2015 made in M.C.O.P.No.884 of 2012 on the file of the Motor Accident Claims Tribunal, Additional Sub Court, Tirupur.

For Petitioner : M/s.R.T.Sundari

ORDER

C.M.P.No. 7653 of 2018 is filed to condone the delay of 837 days in filing the above appeal.

C.M.A.SR.No.18620 of 2018 is filed against the judgment and decree dated 18.08.2015 made in M.C.O.P.No.884 of 2012 on the file of the Motor Accident Claims Tribunal, Additional Sub Court, Tirupur.

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 18.08.2015. The lower Court counsel has handed over the copy of the award on 30.10.2015 and the same was forwarded to their office for obtaining legal opinion on 10.01.2016. After receiving case bundle, the Committee decided to prefer appeal on 18.03.2017. In the meanwhile, the bundle got mixed up with other case records and the same was traced only on 20.07.2017. Hence delay of 837 days has occurred in filing the appeal. The petitioner/Transport

Corporation is not diligent enough to prosecute the case. The reasons given by the petitioner for condoning the delay of 837 days in filing the appeal are not valid. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No. 7653 of 2018 stands dismissed and consequently, C.M.A.SR.No. 18620 of 2018 is rejected. The petitioner/Transport Corporation is directed to deposit the entire amount awarded by the Tribunal along with interest and costs within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

28.01.2019

rst/kj

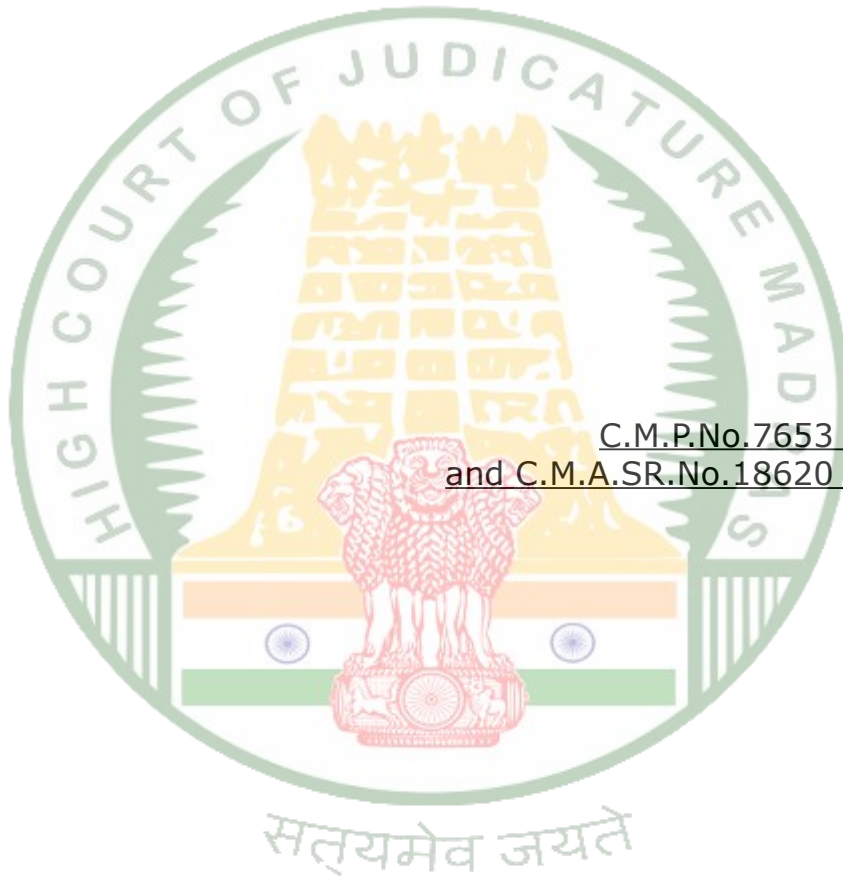
To

The Motor Accident Claims Tribunal
Chief Judicial Magistrate, Tirupur.

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V.M.VELUMANI, J.

rst/kj



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and C.M.A.SR.No.18620 of 2018

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