

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.18416 of 2016
and C.M.A.SR.No.95559 of 2013

- 1.United India Insurance Co. Ltd.,
Divisional Office, No.5.,
143/144, First Floor, CKN Campus,
1st main road, Seshadripuram,
Bangalore.
 - 2.United India Insurance Co. Ltd.,
No.128, First Floor,
Dr.Nanjappa Road, Coimbatore-18.
- .. Petitioners

Vs.

- 1.Amudha
- 2.Vijayanand
- 3.Gayathri Devi
- 4.Sivaraj
- 5.Siddaraju
- 6.D.Balaguru
- 7.G.Dhamodharan

.. Respondents

PRAYER: C.M.P.No.18416 of 2016 is filed to condone the delay of 1051 days in representing the above C.M.A.SR.No.95559 of 2013.

C.M.A.SR.No. 95559 of 2013 is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 27.11.2012, made in M.C.O.P.No.447 of 2011 on the file of the First Additional District Court, Motor Accidents Claims Tribunal, Erode.

For Petitioners : Mr.S.Arun Kumar

ORDER

The present petition is filed to condone the delay of 1051 days in representing the appeal against the award dated 27.11.2012, made in M.C.O.P.No.447 of 2011 on the file of the First Additional District Court, Motor Accidents Claims Tribunal, Erode.

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

3.According to the petitioners, the appeal filed by the petitioners was returned by the Registry for certain defects. While in transit between Division Office, Erode and Regional Office, Coimbatore, the files got misplaced and could not be represented in time and the delay of 1051 days has occurred. The delay is neither wilful nor wanton. Therefore, they prayed for condonation of delay in representing the Civil Miscellaneous Appeal.

4.From the averments made in the affidavit filed in support of this petition, it is seen that the petitioners have stated that while in transit between the Division Office and Regional Office, the files got

misplaced. The reason given by the petitioners is not valid and sufficient to condone the delay of 1051 days in representing the appeal. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.18416 of 2016 stands dismissed and consequently, C.M.A.SR.No.95559 of 2013 is rejected at the SR stage itself. No costs.

14.02.2019

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To

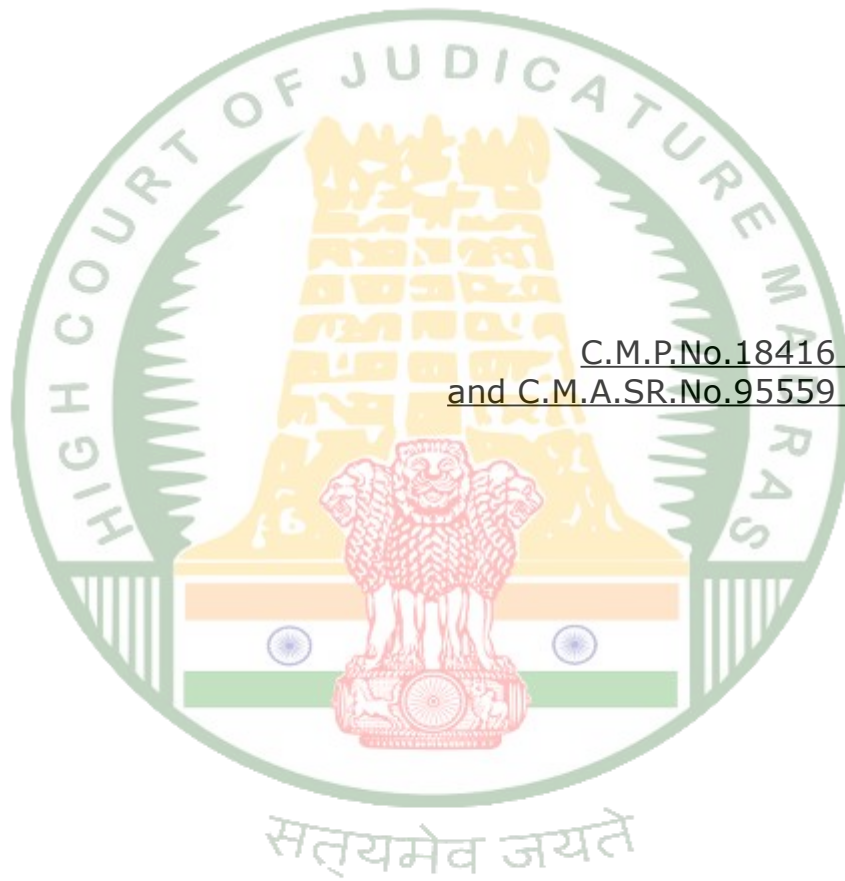
- 1.The I Additional District Judge,
Motor Accidents Claims Tribunal, Erode.
- 2.The Section Officer,
V.R Section,
High Court, Madras.

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V.M.VELUMANI,J.

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and C.M.A.SR.No.95559 of 2013

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