

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.5866 of 2018
and
C.M.A.SR.No.8035 of 2018

Rajadesingu

.. Petitioner

Vs.

The Commanding Officer,
ICGS
No.70, Veerampattinam Road,
Kakayanthope,
Puducherry.

.. Respondents

PRAYER: C.M.P.No.5866 of 2018 is filed under Section 173(1) of the Motor Vehicles Act, to condone the delay of 874 days in filing the above appeal.

C.M.A.SR.No.8035 of 2018 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.04.2015 made in M.C.O.P.No.809 of 2011 on the file of the Motor Accidents Claims Tribunal, Additional Sub Court, Puducherry.

For Petitioner : Mr.R.Sreedhar

For Respondent : Mr.N.Rajan, SCGSC

ORDER

C.M.P.No.5866 of 2018 is filed to condone the delay of 874 days in filing the above appeal.

C.M.A.SR.No.8035 of 2018 is filed against the judgment and decree dated 23.04.2015 made in M.C.O.P.No.809 of 2011 on the file of the Motor Accidents Claims Tribunal, Additional Sub Court, Puducherry.

2.According to the petitioner, the award was passed on 23.04.2015. Due to the accident, the petitioner could not mobilise the funds to file appeal immediately. After arranging money with great effort, he filed the appeal and hence, there was a delay of 874 days in filing the appeal. The delay is neither wilful nor wanton and prayed for condonation of delay in filing the above Civil Miscellaneous Appeal.

3.Heard the learned counsel appearing for the petitioner as well as the respondent and perused the materials available on record.

4.From the averments made in the affidavit filed in support of this petition, it is seen that the award was passed on 23.04.2015 and appeal was filed on 30.01.2018. The petitioner has not given any particulars as to how and when he mobilized the funds. The reasons given by the petitioner are not valid and sufficient for condoning delay of 874 days in filing the appeal. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.5866 of 2018 stands dismissed and consequently, C.M.A.SR.No.8035 of 2018 is rejected. No costs.

28.01.2019

rst/kj

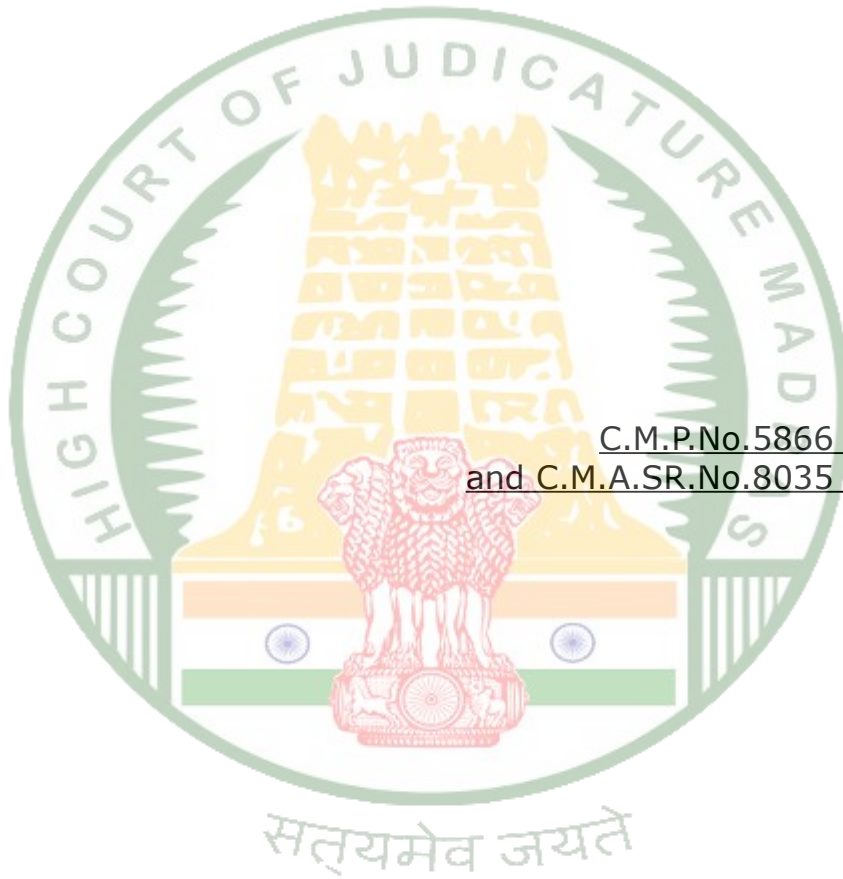
To

Motor Accidents Claims Tribunal,
Additional Subordinate Judge,
Puducherry.

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V.M.VELUMANI, J.

rst/kj



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and C.M.A.SR.No.8035 of 2018

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