

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.3782 of 2016
and C.M.A.SR.No.81526 of 2015

1.S.Jothimani
2.S.Mohanammal .. Petitioners

Vs.

1.S.Narayanasamy
2.Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Chennimalai Road,
Erode.
3.C.Subramani .. Respondents
(R3 given up)

PRAYER: C.M.P.No.3782 of 2016 is filed to condone the delay of 1112 days in filing the above C.M.A.SR.No.81526 of 2015.

C.M.A.SR.No.81526 of 2015 is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 14.06.2012, made in M.C.O.P. No.398 of 2011 on the file of the Motor Accidents Claims Tribunal, (Principal District Court), Erode.

For Petitioners : Mr.S.Kaithamalai Kumaran

For R2 : Mr.S.V.Vasantha Kumar

ORDER

The present petition is filed to condone the delay of 1112 days in filing the appeal against the award dated 14.06.2012, made in M.C.O.P. No.398 of 2011 on the file of the Motor Accidents Claims Tribunal, (Principal District Court), Erode.

2. According to the learned counsel appearing for the petitioners, the award was passed on 14.06.2012 and the award was made on 10.04.2014, after applying for the certified copies. The copies were delivered to the lower Court counsel on 20.06.2014. Due to the poverty suffered by the petitioners, they could not mobilize funds to prefer the appeal and hence the delay of 1112 days has occurred in filing the appeal. The delay is neither wilful nor wanton. Therefore, he prayed for condonation of delay in filing the Civil Miscellaneous Appeal.

3. Heard the learned counsel appearing for the petitioners as well as the 2nd respondent and perused the materials available on record.

4.From the averments in the affidavit filed in support of the present petition, it is seen that the petitioners have admitted that the award amount was deposited by the 2nd respondent-Transport Corporation. The petitioners have not given any valid reason for condoning the delay of 1112 days in filing the appeal. The petitioners have not given any details with regard to arrangement of funds and how they arranged funds for filing the appeal. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.3782 of 2016 stands dismissed and consequently, C.M.A.SR.No.81526 of 2015 is rejected. No costs.

06.02.2019

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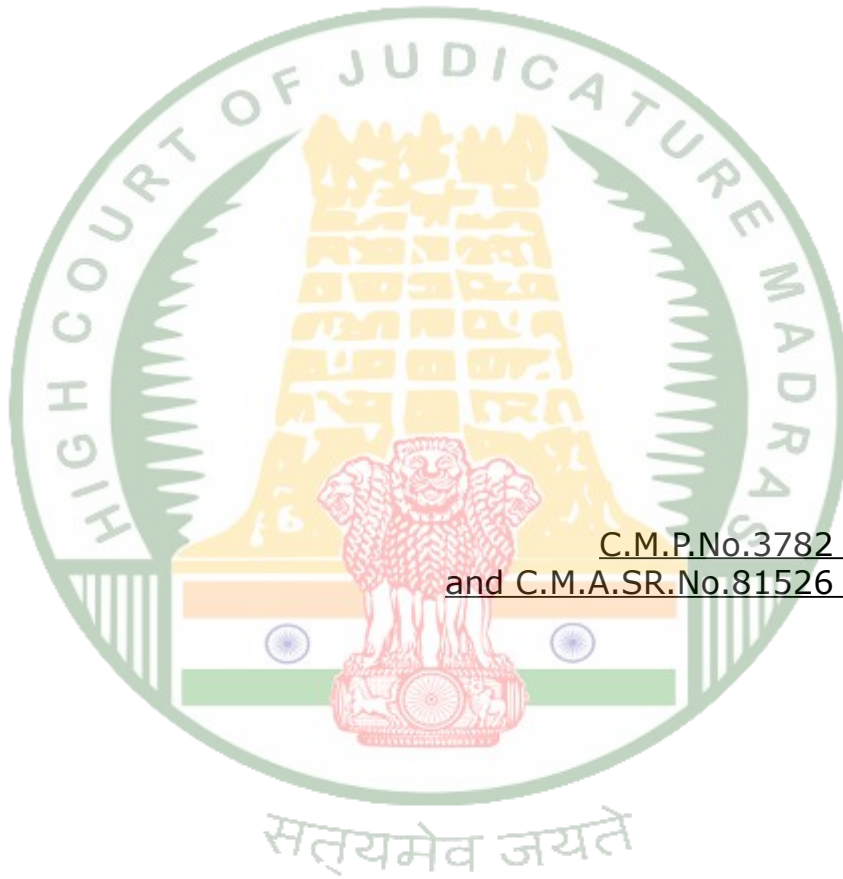
To

1.The Principal District Court,
(Motor Accidents Claims Tribunal),
Erode.

2.Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Chennimalai Road,
Erode.

V.M.VELUMANI,J.

gsa



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and C.M.A.SR.No.81526 of 2015

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