

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.5182 of 2016
and C.M.A.SR.No.20982 of 2016

1.Mrs.S.Nirmala
2.S.Suganya (Minor)
3.S.Harini (Minor)
(2nd and 3rd petitioners rep. by
their mother and next friend
Mrs.S.Nirmala 1st petitioner)
4.Mrs.Komala .. Petitioners

Vs.

1.G.Gajapriya
2.Cholamandalam MS General Insurance Co., Ltd.,
"Dare House" 2nd Floor,
NSC Bose Road, Chennai - 1. .. Respondents

PRAYER: C.M.P.No.5182 of 2016 is filed to condone the delay of 1052 days in filing the above C.M.A.SR.No.20982 of 2016.

C.M.A.SR.No.20982 of 2016 is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 11.12.2012, made in M.C.O.P.No.4435 of 2008 on the file of the Motor Accident Claims Tribunal cum III Judge, Small Causes Court, Chennai.

For Petitioners : M/s.S.Ravikumar

ORDER

The present petition is filed to condone the delay of 1052 days in filing the appeal against the award dated 11.12.2012, made in M.C.O.P.No.4435 of 2008 on the file of the Motor Accident Claims Tribunal cum III Judge, Small Causes Court, Chennai.

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

3.According to the petitioners, they were not immediately ready to pay the Court fee and hence, the delay of 1052 days has occurred in filing the appeal. The delay is neither wilful nor wanton. The reason given by the petitioner is not a valid reason for condoning the delay of 1052 days. The petitioners have not given any details with regard to arrangement of funds and as to how and when 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.5182 of 2016 stands dismissed and consequently, C.M.A.SR.No.20982 of 2016 is rejected at the SR stage itself. No costs.

29.01.2019

pds/gsa

To

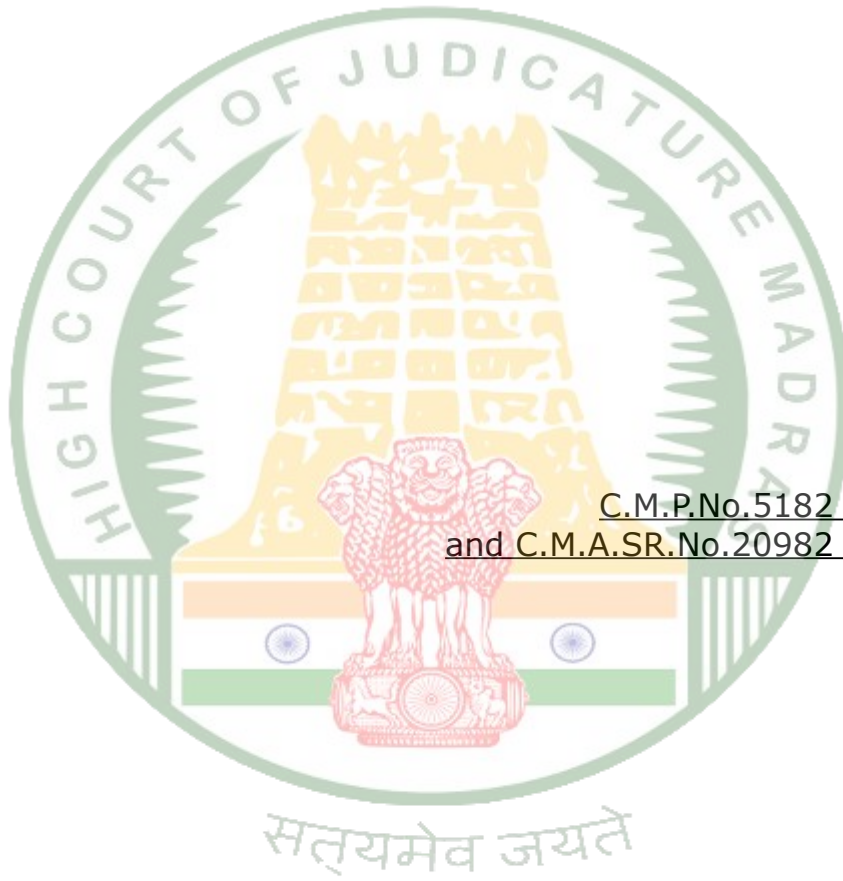
- 1.The Motor Accidents Claims Tribunal,
III Judge, Small Causes Court,
Chennai.
- 2.Cholamandalam MS General Insurance Co., Ltd.,
"Dare House" 2nd Floor,
NSC Bose Road, Chennai - 1.



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V.M.VELUMANI,J.

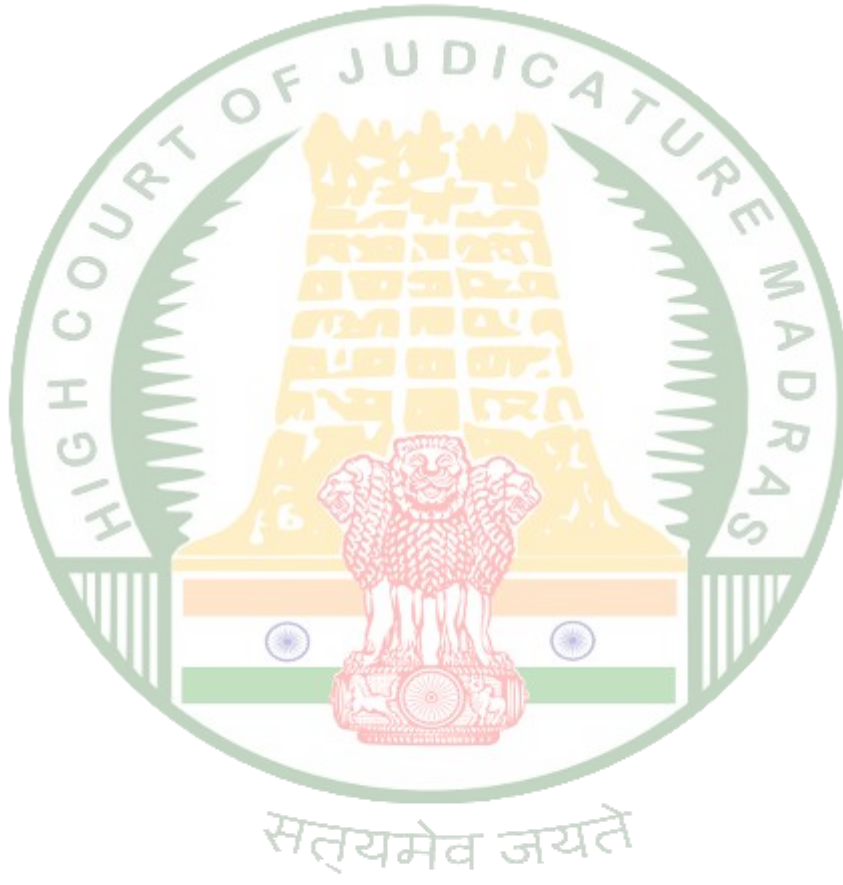
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