

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 22.01.2019****CORAM:****THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.M.P.No.13826 of 2018
and
C.M.A.SR.No.60565 of 2018

Minor Settu,
 Rep.by his Guardian
 Father Ganesan

... Petitioner

Vs.

- 1.K.V.Nanjappan
- 2.M.Sumathi
- 3.Bajaj Alliance General
 Insurance Company Ltd.,
 Rep by its Manager, GE Plaza,
 Air Port Road, Yerwada,
 Pune – 411 006.
- 4.Bajaj Alliance General
 Insurance Company Ltd.,
 Rep by its Manager, 2nd floor,
 SAR Complex, 42 A, NCVT
 Sathy Road, Erode – 3.

... Respondents

(Notice to Respondents 1,2 & 4 may be
 dispensed with for the time being and
 separate petition filed for the same)

PRAYER: C.M.P.No.13826 of 2018 is filed to condone the delay of 1771 days in filing the above appeal against the award made in MCOP No.514 of 2010 on the file of the Motor Accident Claims Tribunal Cum IV Additional District Court, Erode District, Bhavani, dated 23.04.2013.

C.M.A.SR.No.60565 of 2018 is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 23.04.2013, made in M.C.O.P.No.514 of 2010 on the file of the Motor Accident Claims Tribunal cum IV Additional District Court, Erode District, Bhavani.

For Petitioner : Mr.Kulanthaivel

For Respondent : Mr.T.K.Premkumar
Nos.3 & 4

ORDER

The present Civil Miscellaneous Petition is filed for condoning the delay of 1771 days in filing the above appeal against the award made in MCOP No.514 of 2010 on the file of the Motor Accident Claims Tribunal Cum IV Additional District Court, Erode District, Bhavani, dated 23.04.2013.

सत्यमेव जयते

2.According to the petitioner, the award was passed on 23.04.2013. The lower Court counsel assured the petitioner that he will make arrangements to send the papers to the counsel at Chennai for filling a appeal. After obtaining copy of the award, the clerk of the lower Court counsel misplaced the bundle and did not send the bundle to the counsel at Chennai. The petitioner

approached the lower Court counsel in the last week of June, 2018 and came to know about the misplacement of appeal papers and thereafter it was sent to the counsel at Chennai. Due to the above reason, the delay of 1771 days has occurred in filling the appeal.

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

4. From the materials on record, it is seen that the petitioner has not given any reason from 2013 to 2018 as to why he has not contacted the counsel and taken steps to file the appeal. In view of the same, the present Civil Miscellaneous Petition is dismissed and Civil Miscellaneous Appeal is rejected at the SR stage itself.

22.01.2019

sms/pds

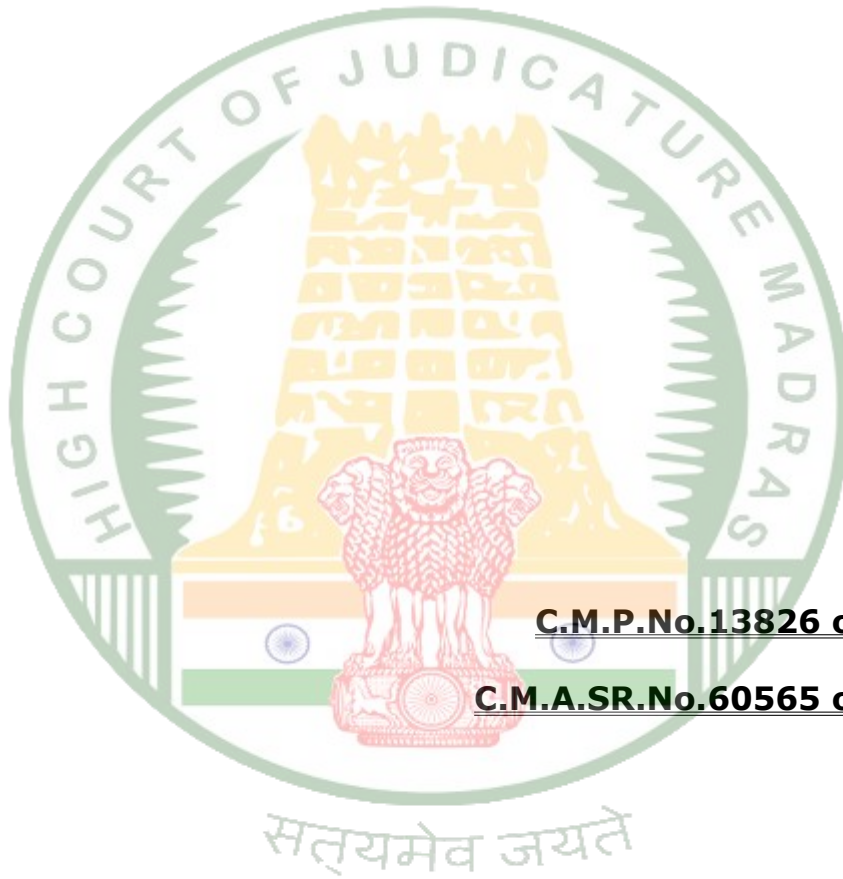
To

The Motor Accident Claims Tribunal
Cum IV Additional District Court,
Erode District, Bhavani.

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V.M.VELUMANI,J.

sms/pds



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and
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