

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.20311 of 2017
and C.M.A.SR.No.76264 of 2017

1.Sarasu
2.Minor Sankar
3.Minor Annakili
4.Selliammal
(Minors 2 &3 are represented
by their mother-Sarasu) .. Petitioners

Vs.

1.V.Ramakrishnan
2.The Oriental Insurance Company Limited
No.3, L.Siddha Veerappa Chetty Street
Dharmapuri Taluk and District. .. Respondents

PRAYER: C.M.P.No.20311 of 2017 is filed to condone the delay of
2814 days in filing the above appeal C.M.A.SR.No.76264 of 2017.

C.M.A.SR.No.76264 of 2017 is filed under Section 173 of Motor
Vehicles Act, 1988, against the Judgement and Decree dated
06.10.2009 made in M.C.O.P.No.755 of 2008 on the file of the Motor
Accidents Claims Tribunal, (Principal District Court), Dharmapuri.

For Petitioners : Mr.C.Prabakaran

ORDER

The present Civil Miscellaneous Petition is filed to condone the delay of 2814 days in preferring the Civil Miscellaneous Appeal against the decree and judgment passed by the Motor Accident Claims Tribunal, (Principal District Court), Dharmapuri, in MCOP. No.755 of 2008 dated 06.10.2009.

2. According to the petitioner, award was passed on 06.10.2009. Due to death of the husband of the 1st petitioner, entire family has been frustrated and could not contact the counsel. The petitioner filed E.P.No.32 of 2010 and the same was closed for extraneous circumstances. Further, the petitioner filed another E.P., and the petitioners are not in a position to recover the amount. In view of the above, delay of 2814 days has occurred.

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

4. From the averments made in the affidavit, filed in support of the above petition and contention of the learned counsel for the petitioners, it is seen that the award is of the year 2009. Petitioners

have filed E.P., against the owner of the vehicle in the year 2010. Further, they have not given any valid and sufficient reason for delay in filing the above Civil Miscellaneous Appeal.

4.In the result, the Civil Miscellaneous Petition is dismissed and the Civil Miscellaneous Appeal is rejected at the SR stage itself. No costs.

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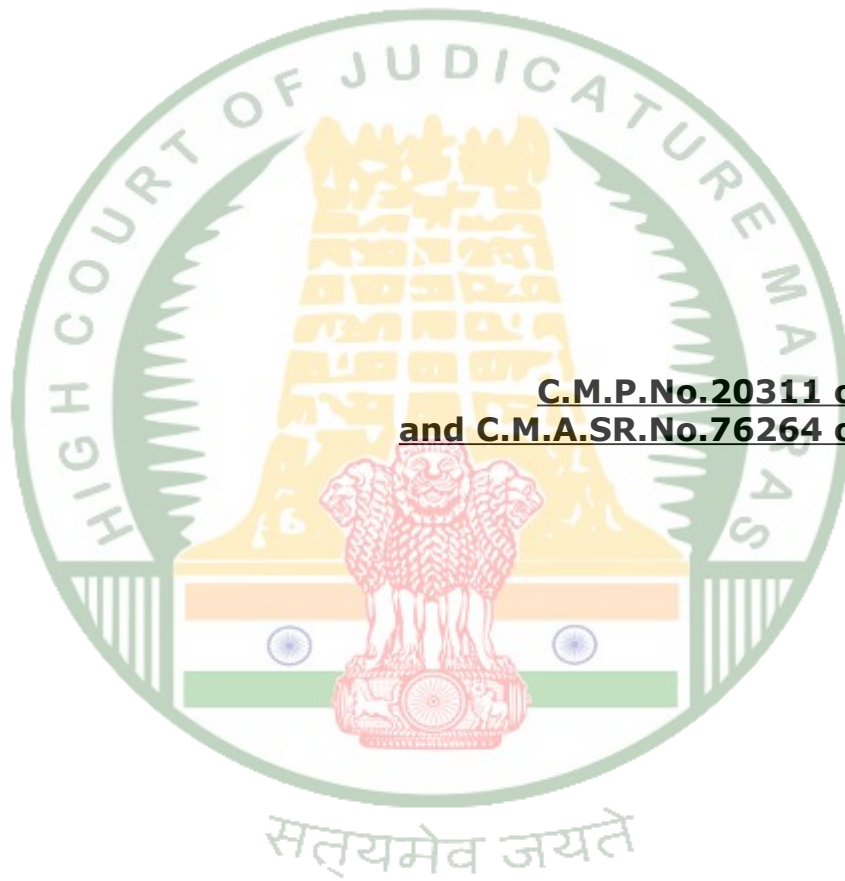
To
The Motor Accidents Claims Tribunal, (Principal District Court),
Dharmapuri.

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V.M.VELUMANI,J.
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