

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.9508 of 2017
and C.M.A.SR.No.44142 of 2017

M.Elumalai .. Petitioner

Vs.

1.D.Kanniyappan Ramraj
2.United India Insurance Co., Ltd.,
No.64, Catholic Centre,
Armenian Street, Chennai - 1. .. Respondents

PRAYER: C.M.P.No.9508 of 2017 is filed to condone the delay of 1630 days in filing the above C.M.A.SR.No.44142 of 2017.

C.M.A.SR.No.44142 of 2017 is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 06.08.2012, made in M.C.O.P.No.747 of 2009 on the file of the Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai.

For Petitioner : M/s.A.N.Viswanatha Rao

For R2 : M/s.R.Vijayakamala

ORDER

The present petition is filed to condone the delay of 1630 days in filing the appeal against the award dated 06.08.2012, made in M.C.O.P.No.747 of 2009 on the file of the Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai.

2. According to petitioner, the award was passed on 06.08.2012 and the copy application was filed on 10.08.2012. The same was delivered on 04.10.2012. Due to the serious illness suffered by the petitioner, he went to his native place for treatment and could not meet his counsel to prefer an appeal. Hence, the delay of 1630 days has occurred. 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 petitioner as well as the 2nd 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 06.08.2012 and C.M.A. was filed on 15.07.2017. The reason given by the petitioner is not valid and sufficient for condoning such a huge delay of 1630 days and the petitioner is not vigilant enough to prosecute the case. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.9508 of 2017 stands dismissed and consequently, C.M.A.SR.No.44142 of 2017 is rejected at the SR stage itself. No costs.

29.01.2019

pds/gsa

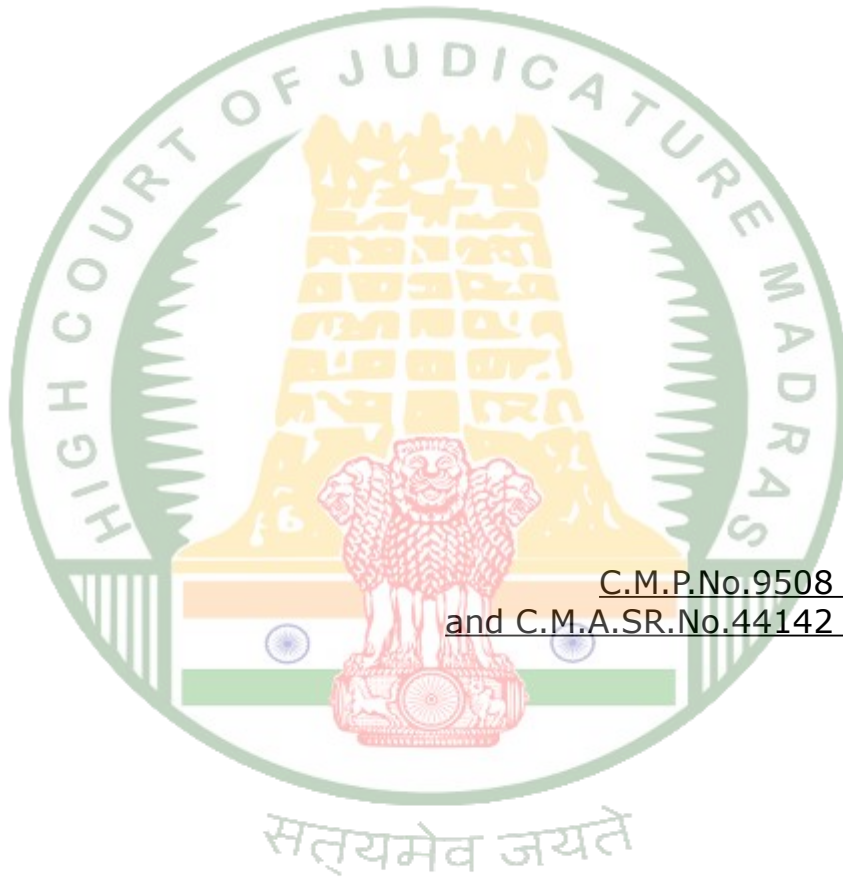
To

1.The Motor Accidents Claims Tribunal,
IV Judge, Court of Small Causes,
Chennai.

2.United India Insurance Co., Ltd.,
No.64, Catholic Centre,
Armenian Street, Chennai - 1.

V.M.VELUMANI,J.

gsa



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