

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.7649 of 2017
and C.M.A.SR.No.5687 of 2017

The New India Assurance Co.Ltd.,
No.1, Bharthi Road,
Arcot Woodlands Building,
Cuddalore-1.

.. Petitioner

Vs.

1.A.Machagandhi
2.A.Ramesh
3.K.Chinnasamy

4.M.S.R.Finance Corporation
No.108-A, North Car Street,
Thiruvhengodi-637 201.
Namakkal Dist.

5.Mahaveeramul Chordia
6.S.N.Balasubramanian

7.Kairasi Finance Ltd.
Man Road,
Nellikuppam.

.. Respondents

PRAYER: C.M.P.No.7649 of 2017 is filed to condone the delay of
2000 days in filing the above appeal C.M.A.SR.No.5687 of 2017.

C.M.A.SR.No.5687 of 2017 is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgement and Decree dated 29.04.2011 made in M.C.O.P.No.904 of 2003 on the file of the Motor Accident Claims Tribunal, (Add. Dist. Judge/FTC-2), Cuddalore District.

For Petitioner : Mr.J.Chandran

For Respondents : Mr.A.N.Visuanatha Rao, for R1
Mr.N.R.Rajagopalan, for R3
Mr.S.Alexraj, for R6

ORDER

The present Civil Miscellaneous Petition is filed to condone the delay of 2000 days in filing the Civil Miscellaneous Appeal against the judgment passed by the Motor Accident Claims Tribunal, Addl. Dist, Judge/FTC-2, Cuddalore, in MCOP. No.904 of 2003 dated 29.04.2011.

सत्यमेव जयते

2.The learned counsel appearing for the petitioner contended that the award was passed on 29.04.2011, against which, Civil Review Petition was filed and the same was dismissed on 16.12.2016. The petitioner applied for copy of the award on 01.12.2016 and the same was made ready on 08.12.2016 and further the copy of the award was sent to the Regional Office to get

an opinion to prefer the appeal. Hence, delay of 2000 days has occurred in filing the appeal.

3.From the averments made in the affidavit, it is seen that the award was passed on 29.04.2011. The petitioner filed Civil Review Petition in I.A.No.610 of 2016 and the same got dismissed on 16.12.2016. Further, the petitioner has not explained the delay of five years in filing the Civil Review Petition and has not given any valid and sufficient reason to condone the delay of 2000 days in filing the Civil Miscellaneous Appeal. Further, the petitioner is not diligent enough to prosecute the case.

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

सत्यमेव जयते

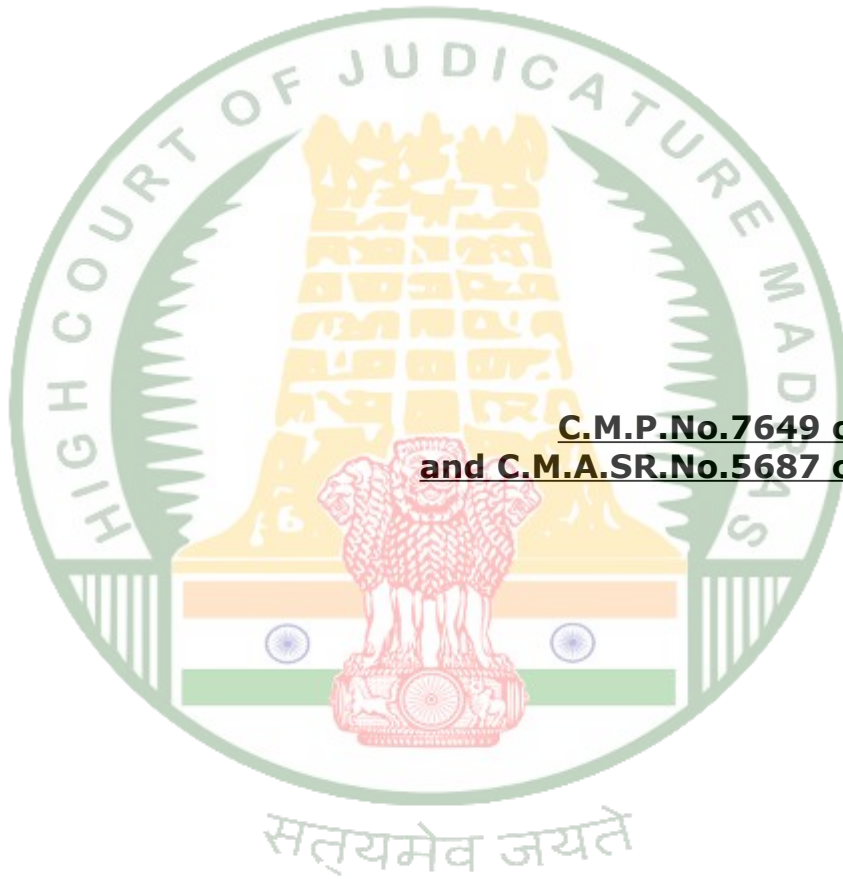
WEB COPY

08.02.2019

gbi/Jer

To
The Addl. Dist. Judge/FTC-2,
Motor Accident Claims Tribunal,
Cuddalore.

V.M.VELUMANI,J.
gbi/Jer



C.M.P.No.7649 of 2017
and C.M.A.SR.No.5687 of 2017

WEB COPY

08.02.2019