

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.5728 of 2017
and C.M.A.SR.No.20705 of 2017

1.Julie
2.Minor Helan Ezhilarasi
3.Minor Sheeba
(Minors 2 & 3 are represented
by their mother-Julie)

.. Petitioners

Vs.

1.K.Kamalakaran
2.The Branch Manager
The New India Assurance Co., Ltd.,
No.4, Muthulinga Reddy Street
West Tambaram
Near Police Station
Chennai – 45.

.. Respondents

PRAYER: C.M.P.No.5728 of 2017 is filed to condone the delay of
1409 days in filing the above appeal C.M.A.SR.No.20705 of 2017.

C.M.A.SR.No.20705 of 2017 is filed under Section 173 of Motor
Vehicles Act, 1988, against the Judgement and Decree dated
12.12.2012 made in M.C.O.P.No.451 of 2006 on the file of the Motor
Accidents Claims Tribunal, Kancheepuram.

For Petitioners : Mr.N.Veerasamy

ORDER

The present Civil Miscellaneous Petition is filed to condone the delay of 1409 days in preferring the Civil Miscellaneous Appeal against the decree and judgment passed by the Motor Accident Claims Tribunal, Kancheepuram, in MCOP. No.451 of 2006 dated 12.12.2012.

2.According to the petitioners, award was passed on 12.12.2012. Due to illness of their advocate, the copy application was filed and made ready on 28.11.2013. After obtaining the award, the same got misplaced with other bundle and could not be traced immediately. Only during February 2017, while shifting the house, traced the award and met the advocate at Chennai, and also filed the appeal on 09.03.2017. Hence, 1409 days of delay has occurred.

3.The reason given by the petitioners is not valid and sufficient to condone the delay of 1409 days.

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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08.02.2019

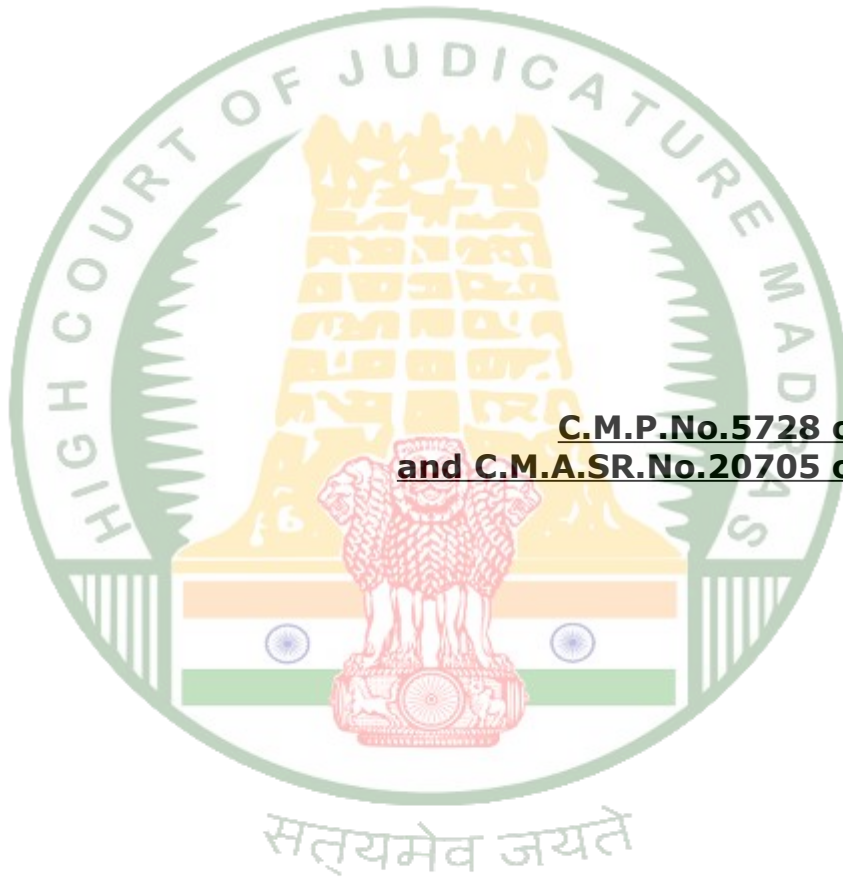
To
The Motor Accidents Claims Tribunal, Kancheepuram.



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V.M.VELUMANI,J.

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