

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.8921 of 2017
and C.M.A.SR.No.31419 of 2017

1.Raja
2.Kasthuri

... Petitioners

Vs.

The Managing Director
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram.

.. Respondent

PRAYER: C.M.P.No.8921 of 2017 is filed to condone the delay of 899 days in filing the above C.M.A.SR.No.31419 of 2017.

C.M.A.SR.No.31419 of 2017 is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 23.06.2014, made in M.C.O.P.No.238 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Villupuram.

For Petitioners : Mr.M.Devaraj

ORDER

The present petition is filed to condone the delay of 899 days in filing appeal against the award dated 23.06.2014, made in M.C.O.P.No.238 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Villupuram.

2.The learned counsel appearing for the petitioners/appellants contended that the award was passed on 23.06.2014 and the lower Court counsel informed the petitioners that the award is yet to be made ready. When the petitioners contacted the counsel, he informed that no copy application was filed for obtaining copy of the award and filed copy application on 07.07.2015 and award was made ready on 11.08.2015 and the same was mixed up with other bundle. The petitioners due to their pre-occupation, could not contact their Advocate immediately for filling appeal and hence the delay of 899 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 petitioners 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 23.06.2014 and C.M.A. was filed on 13.04.2017. The petitioners have not explained the reason for applying copy of the award after one year of the award. The petitioners are blaming the lower Court Advocate for the delay. The reason given by the petitioners for further delay of two years is not valid and sufficient for condoning such a huge delay of 899 days and the petitioners are not diligent enough to prosecute the case. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.8921 of 2017 stands dismissed and consequently, C.M.A.SR.No.31419 of 2017 is rejected at the SR stage itself. No costs.

24.01.2019

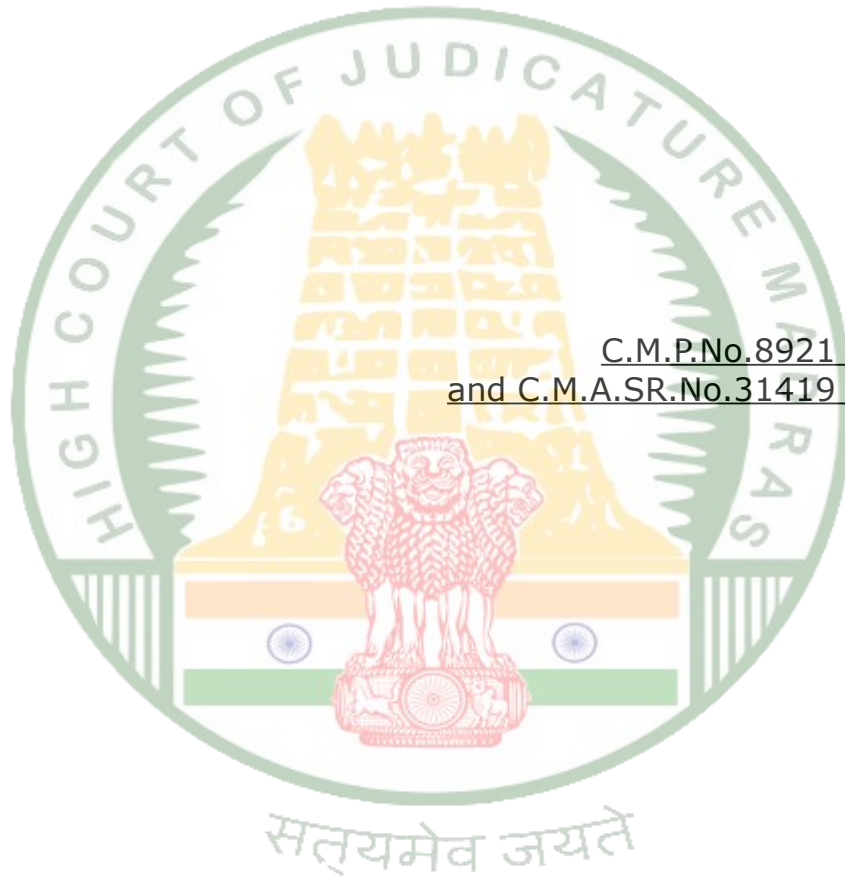
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To

- 1.The Motor Accidents Claims Tribunal,
Special District Judge,
Villupuram.
- 2.The Managing Director
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram.

V.M.VELUMANI,J.

gsa



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