

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.M.P. No. 25526 of 2019  
and C.M.A. SR. 139394 of 2019

- 1.Thulasiammal
- 2.M.Devendran
- 3.M.Murugan
- 4.Vennila
- 5.Deivakodi

.. Petitioners

Vs.

- 1.M/s.Rajasekar Textile  
No.557/15, Rajapalayam Road,  
Chatrapatti 626 102.

- 2.The Branch Manager,  
National Insurance Co. Ltd.,  
Branch Office,  
Tirunelveli.

- 3.R.Tamilarasi

- 4.The Branch Manager,  
United India Insurance Co. Ltd.,  
Branch Office No.85, Salem Road,  
Namakkal 637 001.

- 5.Mangammal

.. Respondents

**PRAYER:** C.M.P. No. 25526 of 2019 is filed to condone the delay of 2207 days in filling the above C.M.A. SR. 139394 of 2019.

C.M.A. SR. 139394 of 2019 is filed under Section 173 (1A) of Motor Vehicles Act, 1989, against the award and decree dated 07.12.2012, made in M.C.O.P. No. 503 of 2004 on the file of the Additional District Judge, (Motor Accidents Claims Tribunal), Krishnagiri.

For Petitioners : Mr.K.Prasanna

For Respondents : Mr.J.Chandran (For R4)

**ORDER**

The present petition is filed to condone the delay of 2207 days in filing the appeal against the award dated 07.12.2012, made in M.C.O.P. No. 503 of 2004 on the file of the Additional District Judge, (Motor Accidents Claims Tribunal), Krishnagiri.

2. According to the petitioners, the award was passed on 07.12.2012, but the clerk of the lower Court Counsel, due to the ill health applied for copy application only on 10.12.2012 and award was made ready on 05.03.2013 and taken delivery on 06.03.2013.

Thereafter, the clerk of the lower Court Counsel left the office without informing about the order. In the mean time, the bundle got mixed up with some other bundles. The petitioners after arranging sufficient funds, contacted the lower Court counsel and filed the appeal in the month of November, 2019. Hence, the delay of 2207 days has occurred. The delay is neither wilful nor wanton. Therefore, they prayed for condonation of delay in filing the Civil Miscellaneous Appeal.

3. Heard the learned counsel appearing for the petitioners as well as the 4<sup>th</sup> 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 petitioners are blaming lower Court counsel for misplacement of the bundle. Even otherwise, it is seen that when the award was passed on 07.12.2012, the same was taken delivery only on 06.03.2013. The petitioners have not given any acceptable reason for the delay from the period of taking delivery, till now, for filing the appeal. The reason given by the

petitioners is not valid and sufficient to condone the delay of 2207 days and the petitioners are 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. 25526 of 2019 stands dismissed and consequently, C.M.A. SR. 139394 of 2019 is rejected at the SR stage itself. No costs.

05.12.2019

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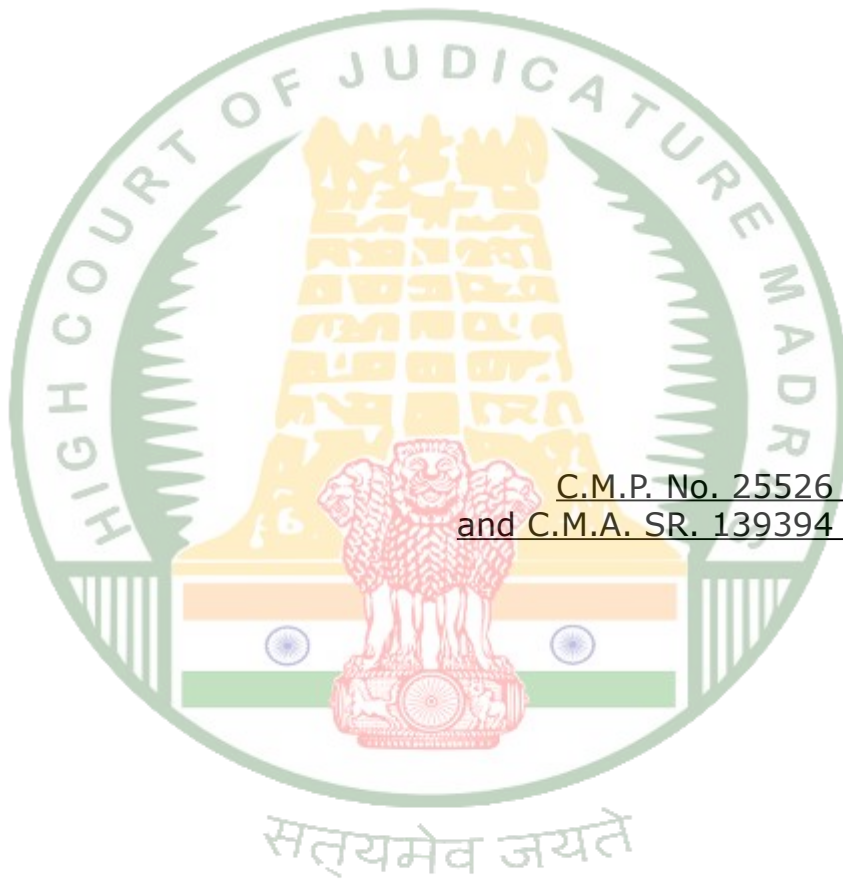
To

- 1.The Branch Manager,  
National Insurance Co. Ltd.,  
Branch Office,  
Tirunelveli.
- 2.The Branch Manager,  
United India Insurance Co. Ltd.,  
Branch Office No.85, Salem Road,  
Namakkal 637 001.
- 3.The Section Officer,  
V.R Section,  
High Court, Madras.
- 4.The Additional District Judge,  
(Motor Accidents Claims Tribunal),  
Krishnagiri.

C.M.P. No. 25526 of 2019  
in  
C.M.A. SR. 139394 of 2019

**V.M.VELUMANI,J.**

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and C.M.A. SR. 139394 of 2019

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