

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.15650 of 2017
and
C.M.A.SR.No.71056 of 2017

M.Munisami

.. Petitioner

Vs.

1.Afzal Mohammed

2.ICICI Lombard Motor Insurance,
Zenith House, Kashvrao Khade Marg,
Mahalakshmi, Mumbai-400 034.

.. Respondents

(No relief sought against the 1st respondent
hence notice may be dispensed with)

PRAYER: C.M.P.No.15650 of 2017 is filed under Section 173(1) of the Motor Vehicles Act 1888, to condone the delay of 965 days in filing the above appeal.

C.M.A.SR.No.71056 of 2017 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 07.10.2014 made in M.C.O.P.No.279 of 2013 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Vellore.

For Petitioner : Mr.C.Prabakaran

ORDER

C.M.P.No.15650 of 2017 is filed to condone the delay of 965 days in filing the above appeal.

C.M.A.SR.No.71056 of 2017 is filed against the judgment and decree dated 07.10.2014 made in M.C.O.P.No.279 of 2013 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Vellore.

2.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3.According to the petitioner, the award was passed on 07.10.2014 and copy application was filed on 12.07.2017. The petitioner could not mobilise the funds to file the appeal in time and after arranging money, he met his advocate only during the month of August 2017 and filed the appeal. Hence, there was a delay of 965 days in filing the appeal. The petitioner has not given any valid

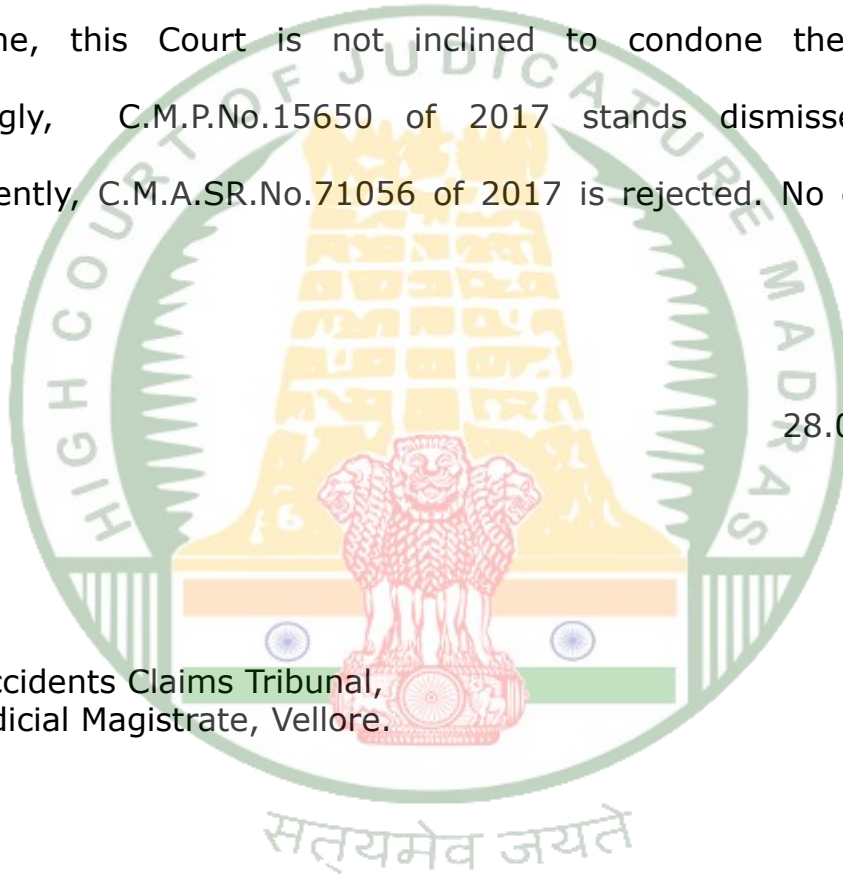
reason for not applying the copy application immediately and has not given any particulars as to how and when he mobilized the funds. The reason given by the petitioner for condoning the delay of 965 days in filing the appeal is not valid and sufficient. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.15650 of 2017 stands dismissed and consequently, C.M.A.SR.No.71056 of 2017 is rejected. No costs.

28.01.2019

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To

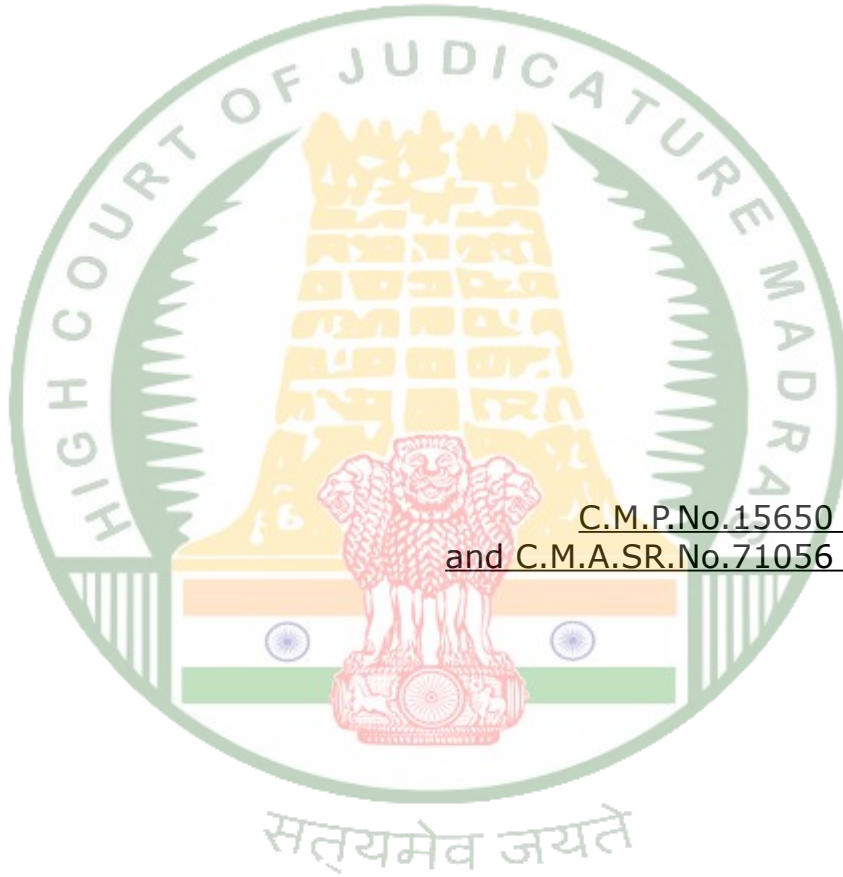
Motor Accidents Claims Tribunal,
Chief Judicial Magistrate, Vellore.



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V.M.VELUMANI, J.

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and C.M.A.SR.No.71056 of 2017

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