

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

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

C.M.P.No.1883 of 2017  
and  
C.M.A.SR.No.33838 of 2016

Perumal

.. Petitioner

Vs.

1.P.A.Nagarajan

2.The Divisional Manager,  
The New India Assurance Co. Ltd.,  
No.1, Officer's Lane,  
Vellore.

3.P.Govindaraj

4.The Divisional Manager,  
United India Insurance Co. Ltd.,  
Katpadi Road,  
Vellore.

.. Respondents

**PRAYER:** C.M.P.No.1883 of 2017 is filed under Section 173(1) of the Motor Vehicles Act, to condone the delay of 2436 days in filing the above appeal.

C.M.A.SR.No.33838 of 2016 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 20.06.2008 made in M.A.C.T.O.P.No.471 of 2000 on the file of the

Motor Accident Claims Tribunal, Sub Court, Tirupattur Tk., Vellore District.

For Petitioner : M/s.M.Malar  
For RR1 to R3 : No Appearance  
For R4 : Mr.A.Dhiraviyanathan

### **ORDER**

C.M.P.No.1883 of 2017 is filed to condone the delay of 2436 days in filing the above appeal.

C.M.A.SR.No.33838 of 2016 is filed against the judgment and decree dated 20.06.2008 made in M.A.C.T.O.P.No.471 of 2000 on the file of the Motor Accident Claims Tribunal, Sub Court, Tirupattur Tk., Vellore District.

2.According to the petitioner, the award was passed on 20.06.2008. After the accident, he could not do the work as he was doing earlier. He could not mobilise the funds to file appeal immediately and hence, there was a delay of 2436 days in filing the appeal. The delay is neither wilful nor wanton and prayed for condonation of delay.

3.Heard the learned counsel appearing for the petitioner as well as the fourth 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 the award was passed on 20.06.2008 and appeal was filed on 27.04.2016. The petitioner has not given any particulars as to how and when he mobilized the funds. The reasons given by the petitioner are not valid and sufficient for condoning delay of 2436 days in filing the appeal. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.1883 of 2017 stands dismissed and consequently, C.M.A.SR.No.33838 of 2016 is rejected. No costs.

28.01.2019

rst/kj

To

Motor Accidents Claims Tribunal,  
Subordinate Judge, Tirupattur Tk., Vellore District.

**V.M.VELUMANI, J.**  
rst/kj

C.M.P.No.1883 of 2017  
and C.M.A.SR.No.33838 of 2016

28.01.2019