



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

WEB COPY

CMP(MD)No.1957 of 2019

in

CMA(MD)No.SR48817 of 2018

The Tamil Nadu State Transport
Corporation (Madurai Limited),
Through its
The Managing Director,
Madurai.

... Petitioner

Vs.

A.Joesph

... Respondent

PRAYER in C.M.P. (MD) No. 1957 of 2019: Civil Miscellaneous Petition is filed under Section 5 of Limitation Act r/w Section 151 of Civil Procedure Code, to condone the delay of 843 days in filing the Civil Miscellaneous Appeal against the order in M.C.O.P.No.106 of 2014, dated 17.03.2016, on the file of the Chief Judicial Magistrate Court Cum Motor Accident Claims Tribunal, Srivilliputtur.

PRAYER in C.M.A. (MD)No.SR48817 of 2018: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, to set aside the fair and deccretal order dated 17.03.2016 in M.C.O.P.No.106 of 2014, on the file of the Chief Judicial Magistrate Court Cum Motor Accident Claims Tribunal, Srivilliputtur, by allowing the present Civil Miscellaneous Appeal.

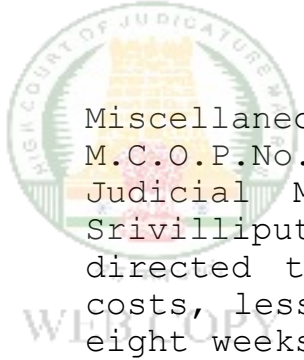
For Petitioner : Mr.K.Sudalaiyani

O R D E R

This petition is filed to condone the delay of 843 days in filing the Civil Miscellaneous Appeal against the order in M.C.O.P.No.106 of 2014, dated 17.03.2016, on the file of the Chief Judicial Magistrate Court Cum Motor Accident Claims Tribunal, Srivilliputtur.

2.The learned counsel for the petitioner contended that the judgment and decree was passed on 17.03.2016 and the copies were ready only on 23.06.2016. He further submitted that the delay of 843 days occurred due the process regarding filing of the appeal and sanction from the financial committee. Hence, the petitioner filed this petition.

3.The is Court is of the considered view that the reasons stated by the learned counsel for the petitioner is not null and void and also considering the abnormal delay, this Civil



Miscellaneous Petition is dismissed. The award passed in M.C.O.P.No.106 of 2014, dated 17.03.2016, on the file of the Chief Judicial Magistrate Court Cum Motor Accident Claims Tribunal, Srivilliputtur, is confirmed. The petitioner/Insurance Company is directed to deposit the award amount with accrued interests and costs, less the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order and on such deposit being made, the respondent is permitted to withdraw the award amount along with proportionate accrued interests and without filing any formal application. No costs.

4.In view of the order passed in CMP(MD)No.1957 of 2019, this Civil Miscellaneous Appeal is rejected at the SR stage itself.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

ias

To

The Chief Judicial Magistrate Court
cum Motor Accident Claims Tribunal,
Srivilliputtur.

Copy to:
The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. 2copies

1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-50607[F] dated 28/02/2019)

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in

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28.02.2019

DS/ /SAR- (09.04.2019) 2P 5C