



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

C.M.P. (MD) No.2465 of 2019
in
C.M.A. (MD) No.SR8394 of 2019

in C.M.P. (MD) No.2465 of 2019

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Vannarpettai,
Tirunelveli. ...Petitioner

Vs.

Minor Mohammed Harron Haneef ...Respondent

PRAYER: Civil Miscellaneous Petition filed under Section 173 (1) of Motor Vehicles Act, 1988, to condone the delay of 2307 days in filing the above Civil Miscellaneous Appeal against the judgment and decree dated 21.07.2010 in M.C.O.P.No.41 of 2009 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate Court, Tirunelveli.

For Petitioner : Mr.M.Prakash
in C.M.A. (MD) No.SR8394 of 2019

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Vannarpettai, Tirunelveli. ...Appellant

Vs.

Minor Mohammed Harron Haneef ...Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree in M.C.O.P.No.41 of 2009 dated 21.07.2010 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate Court, Tirunelveli.

For Appellant : Mr.M.Prakash

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> C.M.P. (MD) No.2465 of 2019 has been filed to condone the delay of 2307 days in filing the above Civil Miscellaneous Appeal against the judgment and decree dated 21.07.2010 passed in M.C.O.P.No.41 of



2009 by the Motor Accidents Claims Tribunal cum Chief Judicial Magistrate, Tirunelveli.

2. In the above Civil Miscellaneous Appeal preferred by the appellant, the value of claim is Rs.5,00,000/-, the value of award is Rs.4,75,000/- and the appellant has admitted the liability for a sum of Rs.4,50,500/-. As against this award, the appellant preferred the present Civil Miscellaneous Appeal with a delay of 2307 days.

3. It is observed that the claim application has been filed in the year 2009 and the award was passed in the year 2010. Now the disability that occurred due to the accident would have been changed. When an initial provision is given to the injured person, the appellant being a Transport Corporation has not acted promptly and filed the present miscellaneous petition with an abnormal delay, which shows that there is no purpose in filing the above said appeal and even after admitting the award, the appellant again contest the same, which is not proper.

4. In view of the above, there is no merit in this Civil Miscellaneous Petition and the same was dismissed. Consequently, connected C.M.A.(MD) No.SR8394 of 2019 is dismissed at the SR stage itself. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To
The Chief Judicial Magistrate,
Tirunelveli.

+1cc to Mr.M.PRAKASH, Advocate, SR.No. 53867

C.M.P. (MD) No.2465 of 2019
in

C.M.A. (MD) No.SR8394 of 2019

14.03.2019

MM

KK/SAR/05.04.2019/ 2P- 3C