



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.06.2019

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CORAM:
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.P. (MD) No.4876 of 2019
in
CMA(MD).No.SR1943 of 2015

The Manager
Reliance General Insurance Company Ltd.,
No.408, 3rd Floor
Perunthurai Road
Erode-11 : Petitioner/Appellant

Vs.

1.Santhanakaruppu
2.Pappathi
3.The Proprietor
Sri Srinivasa Bags (TN-47-V-7620)
No.224A, Aravakkurichi Road,
Thirumanilaiyur, Karur -3 : Respondents/Respondents

PRAYER in C.M.P(MD).No.4876 of 2019: The Civil Miscellaneous Petition has been filed under Section 149 of Code of Civil Procedure to condone the delay of 1165 days in paying deficit Court fee of Rs.9,200/- in the above said CMA.SR.No.1943 of 2015 before this Court as against the award passed in M.C.O.P.No.409 of 2011 dated 18.07.2014 on the file of the Motor Accident Claims Tribunal, Principal District Court, Dindigul.

PRAYER in C.M.A. (MD).SR.No.1943 of 2015: The Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 18.07.2014 passed in M.C.O.P.No.409 of 2011 on the file of the Motor Accident Claims Tribunal, Principal District Court, Dindigul.

For Petitioner : Mr.K.Gokul

O R D E R

This petition has been filed by the petitioner seeking to condone the delay of 1165 days in paying the deficit Court fee.

2.It is seen from Paragraph No.3 of the affidavit that the petitioner has not given any acceptable reason to condone the delay and the same reads as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

"3.The petitioner/appellant Insurance Company forwarded



the appeal papers to the counsel on record to file the appeal within time. Thereafter, the counsel on record filed the appeal with deficit court fees to save the time limitation. The petitioner further submits that above said appeal papers returned by registry on 20.01.2015 for compliance of certain defects. After filing of the case, the counsel on record call for court fees, deposit receipt from the Insurance Company in which there was delay. Further, the petitioner/appellant Insurance Company sent herein to their Head Office at Mumbai for getting their approval for preparing appeal and for sanction of Court fee, in which there was delay in sanctioning of Court fees. In the meantime there occurred a delay of 1165 days in filing sufficient court fees in the above C.M.A before this Hon'ble Court. The delay is neither wilful nor wanton, but due to the above said administrative reasons. Unless the delay is condoned, the petitioner/appellant Insurance Company will be put into irreparable loss and damages. Further, no prejudice will be caused to the respondents. The balance of convenience is in the favour of the petitioner herein".

3.The delay is not minimal and it is a very long delay. The reasons stated for the delay are not acceptable reasons.

4.In **State of Bihar vs. Deo Kumar Singh (SLP(Civil) No.13348/2019 dated 09.05.2019**, the appeal was filed with the delay of 728 days stating that the delay occurred in obtaining all the sanctions from the respective departments and also in receiving the affidavit and vakalathnama from the concerned department. The Hon'ble Supreme Court in the said case, has held that a clear signal has to sent to the Government Authorities that they cannot approach the Court as and when they please on account of gross incompetence of their officers and that too without taking any action against the concerned officers. Ultimately, in the said case, the Apex Court while declining to condone the delay of 728 days in filing the appeal, imposed the cost of Rs.20,000/- to be recovered from the officers responsible for that delay and be deposited to the Mediation Centre of the Supreme Court within four weeks.

5.By relying on the above Judgment, the reasons assigned by the petitioner are not satisfactory or sufficient reasons to condone the delay in paying the deficit Court fee. Therefore, this Court is not inclined to condone the delay of 1165 days in paying the deficit Court fee.



6. Accordingly, CMP.4876/2019 is dismissed. Consequently, CMA.SR.1943/2015 is rejected. No costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

msa

To

1. The Motor Accident Claims Tribunal,
/Principal District Judge, Dindigul.
 2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.
- + 1 CC to Mr.K.Gokul, Advocate in SR.No.68036

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