



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.P. (MD) No.5357 of 2019

in

CMA(MD).No.SR13782 of 2019

The General Manager
The Tamil Nadu State Transport Corporation
Madurai Road
Virudhunagar District

: Petitioner/Appellant

Vs.

1.S.Vimala
2.Govindammal
3.Navaneethakrishnan

: Respondents/Respondents

PRAYER in C.M.P(MD).No.5357 of 2019: The Civil Miscellaneous Petition has been filed under Section 173(1) of Motor Vehicles Act, to condone the delay of 540 days in filing the civil miscellaneous appeal against the Judgment and Decree dated 02.08.2017 passed in M.C.O.P.No.15 of 2016 on the file of the Motor Accident Claims Tribunal (The Chief Judicial Magistrate Court), Srivilliputtur.

PRAYER in C.M.A. (MD).SR.No.13782 of 2019: The Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act against the Judgment and Decree dated 02.08.2017 passed in M.C.O.P.No.15 of 2016 on the file of the Motor Accident Claims Tribunal (The Chief Judicial Magistrate Court), Srivilliputtur.

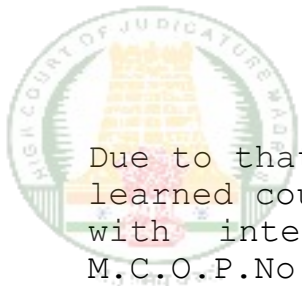
For Petitioner
For Respondents

:Mr.K.Sudalayandi
:Mr.M.Thirunavukkarasu

O R D E R

This petition has been filed by the petitioner seeking to condone the delay of 540 days in filing the Civil Miscellaneous Appeal.

2.The learned counsel for the petitioner would state that since the certified copies of the Judgment and Decree were misplaced in the lower Court counsel office, the lower Court counsel was not able to advise the petitioner to this petitioner to prefer the appeal in time.



Due to that, there was a delay of 540 days in filing the appeal. The learned counsel further submitted that the entire award amount along with interest has already been deposited to the credit of M.C.O.P.No.15 of 2016.

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3.On a perusal of record, it is seen that no valid reason has been adduced for condoning the delay of 540 days in filing the above Civil Miscellaneous Appeal. The delay is not minimal and it is a very long delay. The reasons stated for the delay are not acceptable reasons. The learned trial Judge has elaborately discussed the matter and passed an award, where I do not find any infirmity. Therefore, this Court is not inclined to condone the delay of 540 days in filing the appeal.

4.Accordingly, this Civil Miscellaneous Petition is dismissed. In view of the order passed in CMP(MD)No.5357 of 2019, the connected C.M.A.(MD)SR.No.13782 of 2019 is rejected at the SR stage itself. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Chief Judicial Magistrate, Srivilliputhur.

+1 CC to Mr.M.THIRUNAVUKKARASU, Advocate SR-80154.

+1 CC to Mr.K.SUDALAIYANDI, Advocate SR-80162.

C.M.P. (MD) No.5357 of 2019

in
CMA(MD) .No.SR13782 of 2019

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