



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CMP(MD).No. 7317 of 2019 in
CMA(MD).SR.No.57600 of 2019

WEB COPY

Managing Director,
Tamil Nadu State Transport Corporation,
Thirumayam Road,
Pillaithaneer Panthal,
Pudukottai

... Petitioner / Appellant

Vs.

Bahrudeen

.. Respondent / Respondent

PRAYER in CMP(MD).No.7317 of 2019: This petition has been filed under Section 173(1) of MV Act, to condone the delay of 1422 days in filing this appeal.

PRAYER in CMA(MD).SR.No.57600 of 2019: This petition has been filed to set aside the impugned award passed in MCOP.No. 40 of 2014 dated 01.06.2015 on the file of MACT (Chief Judicial Magistrate Court), Pudukottai.

For Petitioner : Mr.P.M. Vishnu Varthanan
For respondent : Ms. A. Banumathy

ORDER

This petition has been filed to condone the delay of 1422 days in filing the above Civil Miscellaneous Appeal.

2. According to the petitioner, the respondent filed an execution petition in E.P.No.118 of 2015 to execute the Award passed in MCOP.No.40 of 2014, on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Pudukottai, dated 01.06.2015. Out of the award amount of Rs.3,06,000/-, the petitioner has deposited a sum of Rs.2,57,039/-. The petitioner has disputed the compensation in respect of balance amount of Rs.48,961/- towards Medical Bills, which was spent by the injured at UAE. He further submitted that in respect of medical expenses submitted by the respondent / claimant, no explanation offered from the respondent for submitting a Foreign Medical Bill. Therefore, they are disputing the said portion of medical bills alone. In such circumstances, the petitioner has filed the present appeal with a delay of 1422 days in



filing the Civil Miscellaneous Appeal. Hence, the delay may be condoned by allowing this petition.

3. The learned counsel appearing for the respondent filed a counter stating that as the petitioner has not paid award amount, he has filed an Execution Petition in E.P.No. 118 of 2015 and the same has been pending for attachment. After the attachment proceedings was initiated, now the petitioner approached this Court and filed the present appeal alone with an application to condone the delay of 1422 days. The reason for the delay is not explained properly and it is vague one. Therefore, he strongly opposed to condone the delay.

4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. Absolutely, the petitioner has not assigned any valid reason for condoning the enormous days of delay. Hence, this Court is not inclined to condone the delay and accordingly, this petition is dismissed. Consequently, CMA(MD).SR.No.57600 of 2019 is rejected.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The MACT (Chief Judicial Magistrate Court), Pudukottai.

CMP(MD).No. 7317 of 2019 in
CMA(MD).SR.No.57600 of 2019
21.10.2019

db(CO)

TR(16.12.2019)2P 2C