

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.20863 of 2019 and
C.M.A.SR.No.41366 of 2019

1.S.Anbuselvi
2.Minor Papitha
3.Minor Rohith
(Minors are rep by their next
friend/mother/1st petitioner herein)
4.Thangammal .. Petitioners

Vs.

1.P.Selvarajan
2.National Insurance Company Ltd.,
78, Thiruvankatasamy Chetty Street,
Erode- 638 001. .. Respondents

PRAYER: C.M.P.No.20863 of 2019 is filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 1862 days in filing the above appeal.

C.M.A.SR.No.41366 of 2019 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 11.10.2013 made in M.C.O.P.No.14 of 2010 on the file of Motor Accidents Claims Tribunal, Subordinate Judge, Tiruchengode.

For Petitioners : Mr.K.Varadhakamaraj
For R2 : No Appearance

ORDER

This Civil Miscellaneous Petition is filed to condone the delay of 1862 days in filing the above C.M.A.SR.No.41366 of 2019, which is filed against the judgment and decree dated 11.10.2013 made in M.C.O.P.No.14 of 2010 on the file of Motor Accidents Claims Tribunal, Subordinate Judge, Tiruchengode.

2.Heard the learned counsel for the petitioners and perused the materials available on record.

3.It is the contention of the petitioners, that the award was passed on 11.10.2013, certified copy was applied on 16.10.2015 and the same was made ready on 24.11.2015. Their counsel handed over the papers to another counsel practicing in High Court for preparing the appeal and filing the same. But the said counsel did not prepare the appeal and file the appeal in time. Hence, the delay of 1862 days had occurred in filing the appeal. The petitioners are blaming their previous counsel for the delay. This practice of

blaming previous counsel is deprecated by this Court as well as by Hon'ble Apex Court. Further, the petitioners have not given any particulars as to when the papers were handed over to advocate for preparing appeal and when he came to know that no appeal was filed and when he got back the papers from Advocate. Further, the petitioners have not explained as to why they have not filed copy application from 2013 to 2015. It is well settled that petitioners must be given an opportunity to put forth their case on merits but at the same time, the petitioners must be diligent to prosecute their case. The reasons given by the petitioners must be valid and sufficient to condone the delay. In the present case, the reasons given by the petitioners are not valid and sufficient to condone huge delay of 1862 days in filing the appeal. The petitioners are not diligent enough to prosecute the case. In view of the same, this Court is not inclined to condone the delay. Accordingly, C.M.P.No.20863 of 2019 stands dismissed and consequently, C.M.A.SR.No.41366 of 2019 is rejected. No costs.

28.01.2020

gbi

C.M.P.No.20863 of 2019 and
C.M.A.SR.No.41366 of 2019

V.M.VELUMANI, J.

gbi

To

1.The Subordinate Judge,
Motor Accidents Claims Tribunal,
Tiruchengode.

2.The Section Officer,
VR Section,
High Court,
Madras.



C.M.P.No.20863 of 2019 and

C.M.A.SR.No.41366 of 2019

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