



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twentieth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

C.M.P. (MD)No.10193 of 2019
in
C.M.A. (MD)No.SR74456 of 2019

STATE EXPRESS TRANSPORT CORPORATION,
CHENNAI,
THROUGH ITS MANAGING DIRECTOR

... PETITIONER/ APPELLANT

Vs

1 KRISHNAVENI
2 GANAPATHY

(THE 2ND RESPONDENT IS THE DRIVER OF
APPELLANT'S AND GIVEN UP)

... RESPONDENS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 65 days in filing the Civil Miscellaneous Appeal against the Award and Decree made in MCOP No.12 of 2015 dated 21.04.2016 on the file of the Motor Accident Claims Tribunal/Sub Court, Devakottai.

PRAYER IN C.M.A. (MD)No.SR74456 of 2019:

To allow this appeal, set aside the Award and Decree made in M.C.O.P.No.12/2015 dated 21.04.2016 on the file of the Motor Accident Claims Tribunal/Sub Court, Devakottai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof petitioner not appearing either in person or by an advocate and of MR.G.THALAIMUTHARASU, Advocate for R1, the court made the following order:-

This petition is filed to condone the delay of 65 days in filing the above appeal against the Award and Decree, dated 21.04.2016 made in M.C.O.P.No.12 of 2015 on the file of the Motor Accidents Claims Tribunal (Subordinate Court), Devakottai.

2.Heard learned Counsel appearing for the first respondent. No

<https://hcmcs.courts.gov.in/hcmcs/> served for the petitioner.



3.The learned Counsel for the first respondent submitted that he has no bundle and that therefore, time may be given for filing counter. This Court considered the reasons stated in the affidavit filed in support of this petition. Though the delay of 65 days is properly explained in the affidavit filed in support of this petition, this Court is of the view that the delay could have been avoided, if due diligence is shown by the petitioner. Hence, this Court is inclined to allow this petition on terms.

4.Accordingly, this petition is allowed and the delay is condoned on condition that the petitioner pay a sum of Rs.500/- to the learned Counsel for the first respondent within a period of six weeks from the date of receipt of a copy of this order, failing which, this petition will be dismissed automatically without any reference to this Court. Registry is directed to number the main case, if the papers are otherwise in order and upon showing the proof for payment.

sd/-
20/07/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
SUB COURT, DEVAKOTTAI.

ORDER
IN
C.M.P. (MD)No.10193 of 2019
in
C.M.A. (MD)No.SR74456 of 2019
Date :20/07/2020

CMR
JM/VR/SAR 2/27.07.2020/2P/2C