



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2020

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.M.P. (MD)No.12431 of 2019

in

C.M.A. (MD)No.SR47320 of 2018

WEB COPY

Madasamy : Petitioner / Appellant
(in both cases)

vs.

1.Barjansam
2.Murugan
3.The Branch Manager,
ICICI Lombard Insurance Company Private Limited,
Tirunelveli.

:Respondents/Respondents in both cases

Prayer in C.M.P.(MD)No.12431 of 2019: Civil Miscellaneous Petition filed under Section 173(1) of the Motor Vehicles Act, to condone the delay of 2888 days in preferring the above appeal.

Prayer in C.M.A.(MD)No.SR47320 of 2018: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree, dated 17.09.2010 in M.C.O.P.No.179 of 2009 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Tirunelveli.

For Petitioner / Appellant :Mr.G.Aravinthan
For R1 :Mr.P.Pethu Rajesh
For R2 and R3 :No appearance
(in both cases)

ORDER

This petition is filed to condone the delay of 2888 days in preferring the above appeal as against the judgment and decree, dated 17.09.2010 in M.C.O.P.No.179 of 2009 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Tirunelveli.

2.The petitioner is the first respondent in the Claim Petition before the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Tirunelveli. It is the case of the petitioner that he sold the Load Auto, which was involved in the accident, to the second respondent for a valid consideration and that the second respondent has become the owner of the vehicle at the time of accident, ie., on 12.03.2009. Since the accident took place after the transfer of ownership, the petitioner states that he has good chance of success in the appeal.

<https://hcservices.co.in/CaseDetails.aspx?CaseNo=12431> The learned Counsel for the petitioner admitted that the

petition,
inordinate

5. The learned Counsel for the petitioner submitted that the second respondent has deposited the entire compensation and that therefore, the delay can be condoned. There is no logic in the submission of the learned Counsel for the petitioner. If the second respondent is willing to pay the compensation, it is well and good and the petitioner can take advantage of that. However, that is not a reason to condone the delay of inordinate delay of more than seven years. This Court is unable to appreciate the contentions of the petitioner for the delay.

6.As a result, this Civil Miscellaneous Petition is dismissed. Accordingly, the Civil Miscellaneous Appeal is rejected at SR stage. No costs.

Assistant Registrar (AD II)

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Sub Assistant Registrar (CS)

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To
The Chief Judicial Magistrate,
(Motor Accidents Claims Tribunal), Tirunelveli.

C.M.P. (MD) No.12431 of 2019
in

C.M.A. (MD) No. SR47320 of 2018
17.09.2020

AVS (CO)