

C.M.P.No.5666 of 2021
in
C.M.A.Sr.No.32527 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.No.5666 of 2021
in
C.M.A.Sr.No.32527 of 2021

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Regional Office, Bharathipuram,
Dharmapuri- 5.

.. Petitioner

Vs.

S.Sasikumar

.. Respondent

PRAYER: C.M.P.No.5666 of 2021 is filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 919 days in filing the above appeal.

C.M.A.SR.No.32527 of 2018 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 04.03.2015 made in M.C.O.P.No.1485 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge (MACT), Krishnagiri.

For Petitioner : Mr.D.Venkatachalam

ORDER

C.M.P.No.5666 of 2021 is filed to condone the delay of 919 days in filing the above appeal.

C.M.A.SR.No.32527 of 2018 is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 04.03.2015 made in M.C.O.P.No.1485 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge (MACT), Krishnagiri.

2. According to the learned counsel for the petitioner, due to administrative reasons the appeal could not be filed in time. Hence, delay

of 919 days has occurred in filing the appeal. The delay is neither willful nor wanton. Therefore, he prayed for condonation of delay in filing the Civil Miscellaneous Appeal.

3.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4.It is well settled that the application for condoning the delay must be considered liberally and length of delay is not a criteria. The Court must see whether the parties have given acceptable and valid reason and the intention of the parties is bonafide and not malafide. The parties should not be shut down at the threshold itself and they must be given an opportunity to put forth their case on merits. In the present case, the reason given by the petitioner is not a valid reason for condoning the delay of 919 days. The petitioner-Tamil Nadu State Transport Corporation is 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.5666 of 2021
in
C.M.A.Sr.No.32527 of 2021

V.M.VELUMANI, J.
dsa

C.M.P.No.5666 of 2021 stands dismissed and consequently,
C.M.A.SR.No.32527 of 2018 is rejected. No costs.

23.03.20121

dsa

To

1.Special Sub Judge,
Motor Accidents Claims Tribunal,
Krishnagiri.

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

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