



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CMP.No.9063 of 2021
in
CMA.SR.No.47733 of 2021

The Managing Director,
Karnataka State Transport
Corporation Ltd., Mysuru.

... Petitioner

-vs-

1. Mercy Benatta
2. Gracy

... Respondents

Prayer: Civil Miscellaneous Petition filed seeking to condone the delay of 319 days in filing the above Appeal.

Prayer in CMA.SR.No.47733 of 2021 : Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act 1988 against the judgment and decree dated 31.01.2019 passed in M.C.O.P No.254 of 2010 on the file of the Motor Accident Claims Tribunal District Judge, District Court-II, at Kanchipuram.

For Petitioner : Mr.T.Thiyagarajan

ORDER

(Order of the Court was pronounced by T.RAJA, J.)

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 319 days in filing the CMA.SR.No.47733 of 2021 against the decree and judgment passed in O.P.No.254/2019 by the learned Motor Accidents Claims Tribunal (District Court No.II), Kanchipuram.

2. Heard the learned Counsel for the petitioner-appellant.

3. A perusal of the records reveals that there was a fatal accident on 08.12.2002 near Thanam Kulam Kuttai at Damal Village due to the rash and negligent and high speed driving of



the driver of the appellant Transport Corporation by hitting against the Maruthi Omni Van in which the claimants along with their father, mother and grandfather and other persons were travelling and due to the said accident, the parents of the claimants, namely, respondents 1 and 2 herein, died on the spot and all others sustained grievous injuries. Therefore, the claimants laid their claim before the Motor Accidents Claims Tribunal, Kancheepuram in MCOP.No.254/2010 seeking compensation of Rs.90,00,000/- with future interest at 18% p.a. After the written statement was filed by the appellant Transport Corporation, the matter was taken up by the learned Motor Accidents Claims Tribunal, Kanchiuram which allowed the claim in its award dated 31.01.2019, thereby awarding a sum of Rs.43,82,300/- with interest at 7.5% p.a. Aggrieved over the same, the appellant Transport Corporation has filed the appeal with a delay of 319 days along with the present Condone Delay Petition.

4. It also reveals that the accident took place on 08.12.2002 and the claim was awarded only on 31.01.2019. Under such circumstances, it is not known why the appellant has not diligently approached this Court challenging the correctness of the award within the stipulated period and the delay of 319 days in preferring the appeal has also not been explained properly. Therefore, as there has been huge and unexplained delay of 319 days in filing the appeal, finding no sufficient justification or explanation to the huge delay, we are not inclined to condone the said delay of 319 days.

5. In the result, the CMP.No.9063/2021 is dismissed and the appeal is rejected.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The District Judge,
District Court - II,
Motor Accidents Claim Tribunal,
Kanchipuram.



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

+1cc to Mr.T.Thiyagarajan, Advocate SR.No.27704

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KV (CO)
RLP (22/07/2021)