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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMP No. 16269 of 2021

in

CMA Sr. 84728 of 2021

1.R. Rajendiran

2.R. Pushpalatha

3.Minor. R. Elakkiya

D/o.R.Rajendran, Minor 3rd Appellant is

Rep by 1st Appellant

Next friend guardian Father

...Petitioners

Vs.

1.D. Kamala

2.Bajaj Alliance General Insurance Company Limited,

No.6A, Peoples Park,

3rd Floor, Government Arts College Road,

Coimbatore.

...Respondents

Prayer in CMP No. 16269 of 2021: Civil Miscellaneous Petition filed under Section 173 (1) of Motor Vehicles Act, 1988 to condone the delay of 2129 days in filing the Civil Miscellaneous Appeal CMA. SR84728 of 2021 against the order in M.C.O.P. No. 2036 of 2011 dated 12.02.2014 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Salem.

Prayer in CMA SR84728 of 2021: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 challenging the Judgment and Decree dated 12.02.2014 made in M.C.O.P No. 2036 of 2011 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Salem.

For Appellant : Mr. S.P. Yuaraj

ORDER

This civil miscellaneous petition has been filed to condone the delay of 2129 days in filing the appeal CMA SR84728 of 2021 as against the award dated 12.02.2014 passed by the Motor Accident Claims Tribunal, Special District Judge, Salem in M.C.O.P. No.2036 of 2011.

2. In the affidavit filed in support of this petition, the following reasons have been given by the petitioners /



appellants for the enormous delay of 2129 days:

(a) the petitioners / appellants were informed about the Arbitral Award dated 12.02.2014 by their Advocate who informed them that he will be filing an appeal seeking for enhancement of compensation.

(b) the first petitioner/ first appellant could not contact her Advocate because of her incapable situation and also due to the demise of her daughter in the tragic accident.

(c) The first petitioner/ first appellant was affected by viral fever and after recovery from the illness, she could not walk and stand for a long time and also unable to work to earn her livelihood.

(d) The first petitioner/ first appellant tried to contact her Advocate during the time of Covid 19 Lockdown, but she was unable to do so.

(e) The petitioners / appellants do not have sufficient means to run their family and spend for the medical treatment of the first petitioner/ first appellant.

3. As seen from the aforementioned reasons, no specific dates have been given by the petitioners/ appellants for this inordinate delay of 2129 days in filing the Appeal. Excepting for making bald statements which are not supported by specific dates and documentary evidence in the form of medical reports, etc., the reasons given for such an inordinate delay are unsatisfactory. 2129 days delay amounts to almost more than six years. Unless and until sufficient reasons are given for such an inordinate delay, this Court cannot condone such a delay.

4. This Court does not find any merit in this petition and accordingly, this petition is dismissed. No Costs. Consequently, CMA.SR84728 of 2021 itself is rejected.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ab/nl

To

1.The Motor Accident Claims Tribunal,
Special District Judge,
Salem.



2.The Section Officer,
V.R. Section,
High Court, Madras.

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+1cc to Mr.S.P.Yuaraj, Advocate SR. No.52671

CMP No. 16269 of 2021
in
CMA. Sr. 84728 of 2021

JP II (CO)
PR (01/12/2021)