



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.P(MD)No.676 of 2021

in C.M.A(MD).SR.No.14937 of 2017

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The Divisional Manager,  
National Insurance Company Limited,  
Tenkasi Road, Rajapalayam.

... Petitioner/Appellant

Vs.

1. Ranjini

2. Manoharan

3. Porkodi

4. The Managing Director,  
State Express Transport Corporation,  
Pallavan Salai,  
Chennai - 600 002.

5. Nallathambi

...Respondents/Respondents

**Prayer in C.M.P(MD).No.676 of 2021:** This petition is filed under Order 4 Rules 9(4) of AS Rules, to condone the delay of 1074 days in re-presenting the above Civil Miscellaneous Appeal in C.M.A.SR.No.14937 of 2017.

**Prayer in C.M.A(MD).SR.No.14937 of 2017:** This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 04.11.2016 made in MCOP.No.37 of 2012 on the file of the Motor Accident Claims Tribunal/Subordinate Court, Virudhunagar.

For Petitioner : Mr.D.Sivaraman

**ORDER**

This Civil Miscellaneous Petition has been filed to condone the delay of 1074 days in representing the above appeal.

2. Learned counsel for the petitioner would submit that the above Civil Miscellaneous Appeal was originally filed on 03.04.2017 and the same was returned by this Court for compliance of certain defects on 05.04.2017. Due to want of sanction from the Finance Committee for making the pre-conditioned deposit and also due to some administrative reasons, there was a delay in making initial deposit and obtaining deposit receipt. Hence, the delay is neither wilful nor wanton and would pray to condone the delay of 1074 days in re-presenting the above appeal.



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

4. In **State of Bihar vs. Deo Kumar Singh (SLP (Civil) No.13348/2019 dated 05.05.2019**, the appeal was filed with the delay of 728 days stating that the delay occurred in obtaining all the sanctions from the respective departments and also in receiving the affidavit and vakalathnama from the concerned department. The Hon'ble Supreme Court in the said case, has held that a clear signal has to sent to the Government Authorities that they cannot approach the Court as an when they please on account of gross incompetence of their officers and that too without taking any action against the concerned officers. Ultimately, in the said case, the Apex Court while declining to condone the delay of 728 days in filing the appeal, imposed the cost of Rs.20,000/- to be recovered from the officers responsible for that delay and be deposited to the Mediation Centre of the Supreme Court within four weeks.

5. In the present case also, the delay is stated to have been occurred for want of sanction from the Finance Committee for making the pre-conditioned deposit and also due to some administrative reasons for re-presenting the appeal. In view of the above judgment of the Apex Court, such kind of reasons cannot be termed as sufficient reasons to condone the delay. Therefore, this Court is not inclined to condone the delay of 1074 days in re-presenting the appeal.

6. Accordingly, this petition is dismissed. In view of the order passed in CMP(MD)No.676 of 2021, the connected C.M.A.(MD) SR.No.14937 of 2017 is rejected at the SR stage itself. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Motor Accident Claims Tribunal/Subordinate Judge,  
Virudhunagar.

+1 CC to M/s.D.SIVARAMAN, Advocate ( SR-3010[F] dated 03/02/2021 )

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C.M.P (MD) No.676 of 2021  
in C.M.A (MD) .SR.No.14937 of 2017  
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KG (CO)

KB (11.02.2021) 3P 3C