



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.P(MD)No.1785 of 2020

in C.M.A(MD).SR.No.78001 of 2019

WEB COPY

The Tamil Nadu State Transport Corporation,
Through its
The Managing Director,
Bye pass Road, Palanganatham,
Madurai.

... Petitioner/Appellant

Vs.

1. R.Vasantha

2. Minor R.Subalakshmi

3. Minor R.Banupriya

4. Minor R.Rachsana
(Minor respondents 2,3,4
rep. through natural guardian and
mother of the 1st respondent)

5. P.Rajaram ...Respondents/Respondents
(5th Respondent is the driver of appellant Transport Corporation and
notice may be dispense with)

Prayer in C.M.P(MD).No.1785 of 2020: This petition is filed under
Section 173(1) of Motor Vehicle Act, to condone the delay of 417
days in filing the above Civil Miscellaneous Appeal against the
order dated 28.04.2018 passed in M.C.O.P.No.34 of 2013 on the file
of the Motor Accident Claims Tribunal (Special District Judge),
Madurai.

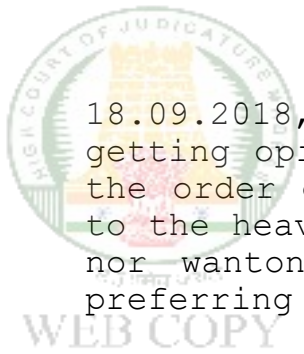
Prayer in C.M.A(MD).SR.No.78001 of 2019: This Civil Miscellaneous
Appeal is filed under Section 173 of the Motor Vehicles Act, 1988,
against the Judgment and Decree dated 28.04.2018 passed in
MCOP.No.34 of 2013 on the file of the Motor Accident Claims
Tribunal/Special Subordinate Court, Madurai.

For Petitioner : Mr.K.Sudalaiyandi

ORDER

This Civil Miscellaneous Petition has been filed to condone the
delay of 417 days in preferring the above appeal.

2. Learned counsel for the petitioner would submit that after
receiving a certified copy of the order from the lower Court on
<https://hcservices.ecourts.gov.in/hcservices/>



18.09.2018, the papers were placed before the approval committee for getting opinion as to whether an appeal has to be preferred against the order or not and would also submit that the delay occurred due to the heavy administrative work. Hence, the delay is neither wilful nor wanton and would pray to condone the delay of 417 days in preferring 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 petitioner's approval committee and also due to some administrative reasons for filing 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 417 days in filing the appeal.

6. Accordingly, this petition is dismissed. In view of the order passed in CMP(MD)No.1785 of 2020, the connected C.M.A.(MD) SR.No.78001 of 2019 is rejected at the SR stage itself. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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. Motor Accident Claims Tribunal/Special Subordinate Court,
Madurai.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-3721[F] dated 08/02/2021)

WEB COPY
+1 CC to M/s.K.SUDALAI YANDI, Advocate (SR-3853[F] dated 08/02/2021)

C.M.P(MD)No.1785 of 2020
in C.M.A(MD) .SR.No.78001 of 2019
08.02.2021

TP (CO)

KB(12.02.2021) 3P 4C