



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.P(MD)No.4457 of 2020
in
C.M.A(MD)SR.No.27623 of 2020

Anitha

... Petitioner/Appellant

Vs.

The Managing Director,
The Tamil Nadu State Transport Corporation Limited,
Bye-pass Road,
Madurai.

... Respondent/Respondent

Prayer in C.M.P(MD)No.4457 of 2020: This petition is filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 2625 days in preferring the appeal as against the judgment and decree passed by the Motor Vehicle Accident Claims Tribunal, Sankarankovil, Thenkasi District in M.C.O.P.No.88 of 2010 on 22.02.2013.

Prayer in C.M.A(MD).SR.No.27623 of 2020: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Vehicles Claims Tribunal, Sankarankovil, Thenkasi District in M.C.O.P.No.88 of 2010 on 22.02.2013.

For Petitioner : Mr.M.Jothi Basu
For Respondent : Mr.K.Sudalayandi

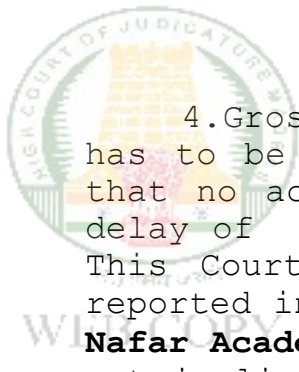
ORDER

This Civil Miscellaneous Petition has been filed to condone the delay of 2625 days in filing the above appeal.

2.As regards the delay, the learned counsel for the petitioner would state that since the petitioner is a student, studying Post Graduate, she could not able to file appeal in time. For the above said reason, a delay of 2625 days is occurred to prefer this appeal. The above delay occurred which is neither wilful nor wanton and the petitioner corporation has good grounds on merits. Thus, he would pray to condone the delay.

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

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4.Gross negligence on the part of the counsel or the litigant has to be taken note of while considering the delay. It is seen that no acceptable reason has been adduced for condoning the huge delay of 2625 days in filing the above Civil Miscellaneous Appeal. This Court by applying the principles laid down in the Judgment reported in **Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & others**, [2013 (5) CTC 547 (SC) : 2013 (5) LW 20], is not inclined to condone the delay of 2625 days in filing the above appeal.

5.Accordingly, this petition is dismissed. In view of the order passed in CMP(MD)No.4457 of 2020, the connected C.M.A.(MD) SR.No.27623 of 2020 is rejected at the SR stage itself. No costs.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

GNS

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 Vehicle Accident Claims Tribunal,
Sankarankovil, Thenkasi District.
2. The Sub Assistant Registrar,
AE Section,
Madurai Bench of Madras High Court, Madurai.
- 3.The Record Keeper,
ER Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.K.SUDALAIYANDI, Advocate (SR-5545[F] dated 17/02/2021)
+1 CC to M/s.G.M.LAW OFFICE,(SR-5566[F] dated 17/02/2021)

Order made in
C.M.P(MD)No.4457 of 2020 in
C.M.A(MD) SR.No.27623 of 2020
16.02.2021

AC (CO)

SRS (17/03/2021) 2P : 6C

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