



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
C.M.P (MD) No.5346 of 2020
in C.M.A(MD).SR.No.17843 of 2020

The Oriental Insurance Company Limited,
through its Branch Manager,
1st floor, Sathiyamoorthy Illam,
Chekkalai Road,
No.211, Karaikudi Nagar,
Sivagangai District.

... Petitioner/Appellant
Vs.

1. Chitra
2. Subbiah

The minor respondent No.2
represented through his mother and
next friend S.Chitra

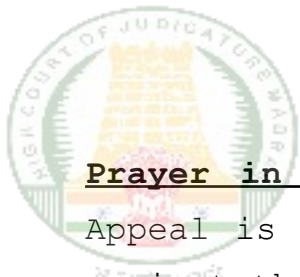
3. Minor Umamaheswari

4. Minor Ganesh
The minor respondents 3 and 4
represented through her mother and
next friend S.Chitra

5. Ravichandran
(Respondent No.15 given up)

....Respondents/Respondents

Prayer in C.M.P(MD).No.5346 of 2020: This petition is filed under Section 173(1) of Motor Vehicle Act, to condone the delay of 585 days in preferring the above Civil Miscellaneous Appeal against the order dated 16.04.2018 made by the Motor Accident Claims Tribunal cum Subordinate Court, Devakottai in M.C.O.P.No.120 of 2013.



Prayer in C.M.A(MD).SR.No.17843 of 2020: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 16.04.2018 made in MCOP.No.120 of 2013 on the file of the Motor Accident Claims Tribunal/Subordinate Court, Devakottai.

For Petitioner : Mr.C.Jawahar Ravindran

ORDER

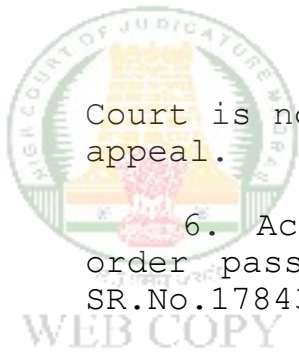
This Civil Miscellaneous Petition has been filed to condone the delay of 585 days in preferring the above appeal.

2. Learned counsel for the petitioner would submit that after receiving a copy of the order, it was forwarded to the lower Court advocate as well as the High Court panel advocate for getting opinion as to whether an appeal has to be preferred against the order or not. It is further submitted that there was a sudden administration difficulty in processing and handing over the case bundle to the panel advocates. Hence, the delay is neither wilful nor wanton and would pray to condone the delay of 585 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 their appeal 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 585 days in filing the appeal.

6. Accordingly, this petition is dismissed. In view of the order passed in CMP(MD)No.5346 of 2020, the connected C.M.A.(MD) SR.No.17843 of 2020 is rejected at the SR stage itself. No costs.

Sd/-

Assistant Registrar (CS II)

// 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

Motor Accident Claims Tribunal cum Subordinate Court,
Devakottai .

C.M.P(MD)No.5346 of 2020
in C.M.A(MD).SR.No.17843 of 2020
05.02.2021

TP(CO)

KK(16.02.2021) 3P 2C