



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Eleventh day of April Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMP (MD) No.8869 of 2019

IN

CMA (MD) SR.No.64584 of 2019

KANNAMMAL

... PETITIONER/APELLANT

Vs

1 AYYANAR

2 THE DIVISIONAL MANAGER,
ORIENTAL INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE,
NO.108, T.P.K.ROAD,
MADURAI.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Condone the delay of 1901 days in filing this appeal.

PRAYER IN CMA(MD) SR.No.64584 of 2019:

Pleaded to enhanced the compensation amount in favour of the appellant herein in M.C.O.P.No.1155 of 2008 on the file of I Additional Sub Judge, Madurai, dated 28-03-2014 and allow this appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.KUMARAVEL, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

This petition is to condone the delay of 1901 days in filing this Civil Miscellaneous Appeal.

2. Claim petitioner filed the above CMA seeking enhancement of compensation awarded in M.C.O.P.No.1155 of 2008 dated 28.03.2014 by the Tribunal/I-Additional Subordinate Judge, Madurai.

3. Heard the learned Counsel for the petitioner and respondents.

4. The above M.C.O.P.No.1155 of 2008 wherein a sum of Rs.1,10,000/- was granted. The Insurance Company appears to have



been said exparte. However, they have deposited the entire amount before the trial Court in the month of October, 2017. The claim petitioner also filed petition to withdraw the amount in the year 2017. Copy application was filed on 14.03.2019 and made ready on 16.07.2019 and hence, I find that there is a delay of 5 years in filing the copy application and subsequently also there is a delay.

5. The learned Counsel for the 2nd respondent Insurance Company has submitted that entire award amount has been deposited and the same has also been withdrawn by the claim petitioner. After 5 years, she has filed copy application and this appeal is filed with the delay of 1901 days.

6. He relied upon the decision of this Court in C.M.A(MD)No.843 of 2021 dated 24.02.2021. Based on the very similar set of facts the petition to condone the delay of 746 days in filing the CMA for enhancement was rejected by following the dictum held by the Hon'ble Supreme Court in 2013 (5) CTC 547 (SC).

7. The lower Court records reveals that the entire amount has been deposited and withdrawn by the claimant. After withdrawal, the present petition is filed for enhancement of compensation with a long delay of 1901 days. No plausible explanation, much less, any explanation is offered except routine explanation for the delay the reasons stated therein are not acceptable to condone the huge delay of 1901 days and hence, I am not inclined to allow the petition for want of sufficient cause for condone the delay.

8. In this view of the matter, this Civil Miscellaneous Petition is dismissed.

sd/-
11/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE I ADDITIONAL SUBORDINATE JUDGE, MADURAI.

ORDER IN
CMP(MD) No.8869 of 2019
IN
CMA(MD) SR.No.64584 of 2019
Date :11/04/2022

SA/JM/SAR.1/13.04.2022/2P/2C