



C.M.P.No.4397 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 07.02.2023	Pronounced on 19.04.2023
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CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.P.No.4397 of 2022
in
C.M.A.No.sr19642 of 2022

1.Rani, W/o.Late Elumalai
2.Minor Roja, D/o.Late Elumalai
3.Minor Sridhar, S/o.Late Elumalai
4.Minor Tamilselvi, D/o.Late Elumalai
(Minor Petitioners represented by their
next friend/guardian Rani, W/o.Elumalai)
All are residing at Vadakkal Village,
Vadakalaithazhanur Post, Thirukkivilur Taluk,
Villupuram District,
Now residing at Veraiyur Village and Post,
Tiruvannamalai Taluk and District.

... Petitioners

Vs.

1.Venkatesan, S/o.Lakshmanan
Residing at No.2/264, J.J.Nagar
2nd Block, East Mugappair, Chennai

2.The Divisional Manager
ICICI Lombard General Insurance Company Limited
No.140, Chottabai Centre, 2nd Floor
Nungambakkam High Road, Chennai.



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3.Subramani, S/o.Kandasamy
Residing at No.2/106,
Salai Street, Nallathur Panchayat
Thirukazhukundram

4.The Divisional Manager
ICICI Lombard General Insurance Company Limited
No.140, Chottabai Centre, 2nd Floor
Nungambakkam High Road, Chennai.

5.Kuppa Gounder, S/o.Azhagappan
Residing at Vadakal Village
Vadakazhaithazhanur Post
Thirukovilur Taluk, Villupuram District.

6.Chinnaponnu, W/o.Kuppa Gounder
Residing at Vadakal Village
Vadakazhaithazhanur Post
Thirukovilur Taluk, Villupuram District.

... Respondents

Prayer: Petition filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 1891 days in filing the Appeal against the Judgment and decree dated 02.09.2016 made in MACTOP.No.7/2016 on the file of the Motor Accident Claims Tribunal, the Special Sub Judge, Tiruvannamalai.

For Petitioner : Mrs.M.Malar

For Respondents : Mr.B.Sivakollappan (for R2 & R4)



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ORDER

This Petition has been filed to condone the delay of 1891 days in filing an Appeal against the Judgment and decree dated 02.09.2016 made in MACTOP.No.7 of 2016 on the file of the Motor Accident Claims Tribunal, the Special Sub Judge, Tiruvannamalai.

2.Heard the learned counsel for the Petitioner and the learned counsel for the Respondents 2 & 4.

3.A perusal of records reveals that there is an enormous delay of 1891 days in filing the Appeal. The award was passed as early as on 02.09.2016 in MACTOP.No.7 of 2016 by the learned Special Sub Judge, Tiruvannamalai. The Petitioner preferred this Appeal only during 2022, with the present Petition to condone the delay. It appears that the Petitioner has already filed Execution Petition and the compensation amount has been deposited and the same was also withdrawn by the claim Petitioners.



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4.After long delay the Petitioner has preferred this Appeal and hence, in the absence of any positive explanation for the long delay of 1891 days, I am not inclined to entertain this Petition.

5.Accordingly, this Petition dismissed. Consequently,
C.M.A.No.sr19642 of 2022 is rejected. No costs.

19.04.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order/Non-Speaking Order

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To
The Special Sub Judge,
Motor Accident Claims Tribunal,
Tiruvannamalai.



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RMT.TEEKAA RAMAN.J,

sai

Pre-delivery Order made in

C.M.P.No.4397 of 2022

in

C.M.A.No.sr19642 of 2022

Dated:19.04.2023