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C.M.P.No.18303 of 2021 in
C.M.A.SR.89375 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 02.03.2023	Pronounced on 18.04.2023
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CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.P.No.18303 of 2021
and
C.M.A.SR.No.89375 of 2021

1.Kannamma
2.S.Kalpana
3.Rathinammal

...Petitioners

Vs.

1.M.L.Ravikumar
2.The Manager,
United India Insurance Company Limited,
No.12/13/1, Javilli Street,
Palamaner, Chittoor 517406,
Andrapradesh.

... Respondents

Prayer: Civil Miscellaneous Petition filed under Section 173(1) of Motor Vehicles Act, to condone the delay of 1364 days in filing the appeal.

For Petitioner : Mr.Mukund R.Pandiyan

For R1 : Mr.V.Sakkarapani

For R2 : Mr.D.Bhaskaran



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ORDER

This petition is filed to condone the delay of 1364 days in filing the C.M.A.

2. The claim petitioner filed M.C.O.P.No.455 of 2015 before the claims tribunal for claiming compensation for the death of the husband of the petitioner–Subramani in the road accident on 15.04.2015.

3. After trial, award was passed on 01.03.2016 and the second respondent–Insurance Company has deposited the award amount of Rs.9,10,891/- on 07.10.2016 and the same was withdrawn by the claim petitioner on 13.10.2017 as could be seen from the report of the learned Principal Distirct Judge (FAC), Krishnagiri in D.No.332 of 2022 dated 23.01.2023.

4. The learned counsel for the petitioner could contend that she could not mobilize funds and thus occasioned the delay of 1364 days.

5. Counter of the second respondent–Insurance Company filed.

6. Heard the learned counsel appearing for the second respondent/Insurance Company.



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7. The claims tribunal pronounced the judgment on 01.03.2016 amount was deposited on 15.10.2016 and this appeal is filed on 13.09.2021 i.e., nearly after 5 years.

8. After perusing the affidavit filed by the petitioner, I find that there is no sufficient cause, much less any cause for the delay caused, except the bald allegations and hence I am not inclined to condone the huge delay of 1364 days.

9. Accordingly, this Civil Miscellaneous Petition is dismissed. No costs. Consequently, the Civil Miscellaneous Appeal is rejected at the SR stage itself.

18.04.2023

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Speaking Order:Yes/No
Neutral citation : Yes/No



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To

1. The Principal District Judge (FAC), Krishnagiri.
2. The Section Officer,
V.R.Section, High Court of Madras,
Madras.



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RMT.TEEKAA RAMAN,J.,

nvi

Pre-Delivery order in
C.M.P.No.18303 of 2021 in
C.M.A.SR.89375 of 2021

18.04.2023