



*CMP No.20754 of 2021
and CMA SR No.90186 of 2021*

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.01.2023

PRONOUNCED ON : 16.03.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

**CMP No.20754 of 2021
and
CMA SR No.90186 of 2021**

1. Vichithra

2. Suresh

.. Petitioners/Appellants

Vs.

1. The Correspondent,
SRV Matric School of Excellency,
Ondimavathur, Thathampatty,
Pochampalli Taluk,
Krishnagiri District.

2. The Manager,
ICICI Lombard General Insurance Co.Ltd.,
ICICI Lombard House,
414, Veer Savarkar Marg,
Near Sidhi Vinayak Temple,
Prabhadevi, Mumbai

.. Respondents/Respondents



*CMP No.20754 of 2021
and CMA SR No.90186 of 2021*

PRAYER in CMP No.20754 of 2021: This Civil Miscellaneous Petition is filed under Section 173(1) of Motor Vehicles Act, to condone the delay of 1461 days in filing the Civil Miscellaneous Appeal.

PRAYER in CMA SR.No.90186 of 2021: This Civil Miscellaneous Appeal is filed under Section 173 of MV Act, against the judgment and decree dated 20.08.2015 made in M.C.O.P.No.267 of 2014 on the file of the Motor Accidents Claims Tribunal [Special District Judge], Krishnagiri.

For Petitioners/

Appellants : Mr.Mukund R.Pandian

For Respondents : Mr.B.Siva Kollapan (for R2)

COMMON ORDER

This petition is filed to condone the delay of 1461 days in filing the Civil Miscellaneous appeal.

2.Claimants are the petitioners herein. Seeking enhancement of compensation awarded in MCOP No.267 of 2014 dated 20.08.2015, the claimants have filed the Civil Miscellaneous Appeal with the above stated delay.



*CMP No.20754 of 2021
and CMA SR No.90186 of 2021*

WEB COPY

3. The sole ground that was raised in the petition for condoning the said huge delay of 1461 days is that due to pandemic situation viz., Covid-19, she could not file the appeal.

4. Counter affidavit has been filed by the 2nd respondent-Insurance Company.

5. Heard the learned counsel for the petitioners/appellants and the learned counsel for the 2nd respondent-Insurance company and perused the counter affidavit.

6. Petitioners are the legal representatives of the deceased Murugan, who died in the road transport accident on 09.04.2014. Judgment was delivered on 20.08.2015. Application for certified copy was made on 08.09.2015 and the same was made ready on 04.01.2016 and received on 08.01.2016. From 08.01.2016 to March 2020, there was a delay of 2047



***CMP No.20754 of 2021
and CMA SR No.90186 of 2021***

days and hence, I find that there is no valid reason much less sufficient cause to condone the huge delay of 2047 days. The claim petitioners want to challenge the award passed seven years before. Therefore, the Civil Miscellaneous Petition is dismissed and the Civil Miscellaneous Appeal in CMA SR.No.90186 of 2021, stands rejected at the SR stage itself. No Costs.

16.03.2023

Index : Yes/No
Neutral Citation : Yes/No.
ars

To

The Special District Judge,
Motor Accidents Claims Tribunal,
Krishnagiri.



WEB COPY



*CMP No.20754 of 2021
and CMA SR No.90186 of 2021*

RMT.TEEKAA RAMAN,J.,

ars

**Pre-delivery order in
CMP No.20754 of 2021
and CMA SR No.90186 of 2021**

16.03.2023