



*CMP No.19883 of 2021
and CMA SR No.92807 of 2021*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.02.2023

PRONOUNCED ON : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

**CMP No.19883 of 2021
and
CMA Sr. No.92807 of 2021**

C.N.Sivakumar

.... Petitioner/Appellant

Vs.

1.M.Jayakandhan
2.The Manager,
National Insurance Company Limited,
Motor TP Claims, No.751, Annasalai,
Chennai – 600 002.

... Respondents/Respondents

Prayer in CMP No.19883 of 2021: This Civil Miscellaneous Petition is filed under Section 173(1) of Motor Vehicles Act, 1988 praying to condone the delay of 1174 days in filing the CMA Sr.No.92807 of 2021.

Prayer in CMA Sr.No.92807 of 2021: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the decree



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and judgment dated 08.08.2016 made in MCOP No.378 of 2015 on the file of the Motor Accident Claims Tribunal [Special Sub Court No.II], Thiruvallur.

For Petitioner/
Appellant : Mr.U.Chithambaram
For Respondents : Mr.S.Vadivel (for R2)
No appearance (for R1)

COMMON ORDER

This Civil Miscellaneous Petition is filed to condone the delay of 1174 days in preferring the Civil Miscellaneous Appeal, against the award dated 08.08.2016 made in MCOP No.378 of 2015 on the file of the Motor Accident Claims Tribunal [Special Sub Court No.II], Thiruvallur.

2. The petitioner is the claimant in MCOP No.378 of 2015. He had filed the above application seeking compensation of Rs.1,00,000/- for the grievous injuries sustained by him in the motor accident on 21.10.2010.

3. On appreciation of oral and documentary evidence, the claims tribunal has held that the accident has taken place due to the rash and



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negligent act of the driver of the 1st respondent vehicle and based upon the medical board certificate, accepted 55% disability and awarded a sum of Rs. 75,000/- as compensation.

4. The decree was passed on 08.08.2016. Copy application was filed on 07.10.2016. Certified copies were made ready on 23.12.2016 and however, he has filed the appeal with a delay of 1175 days. Hence, this petition to condone the delay.

5. Contesting 2nd Respondent has not filed any counter.

6. Heard the learned counsel for the petitioner/appellant and 2nd respondent-Insurance Company.

7. After going through the affidavit, except stating bald averments, I find no valid reason much less sufficient cause to condone the huge delay of 1174 days. The award amount is already deposited and it is also



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withdrawn. Now, after a delay of four long years, the claim petitioner has preferred this appeal.

8. In the absence of any positive averments to suit as sufficient cause, this Court is not inclined to condone the delay. Accordingly, the Civil Miscellaneous Petition stands dismissed. Consequently, the Civil Miscellaneous Appeal stands rejected, at the SR stage itself. No Costs.

08.03.2023

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

To

The Special Sub Court No.II],
Motor Accidents Claims Tribunal,
Thiruvallur.



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RMT.TEEKAA RAMAN,J.,

ars

**Pre-delivery order in
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08.03.2023