



*CMP No.17254 of 2022
and CMA SR No.105388 of 2022*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.02.2023

PRONOUNCED ON : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

**CMP No.17254 of 2022
and CMA Sr. No.105388 of 2022**

K.Subramani

... Petitioner/Appellant

Vs.

1. M.Thangavel

2. Reliance General Insurance Company Ltd.,
Branch Office at Shri Lakshmi Complex,
1st Floor, Bharathi Street,
Omalur Main Road, Salem – 636 004.

... Respondents/Respondents

Prayer in CMP No.17254 of 2022: This Civil Miscellaneous Petition is filed under Section 173(1) of Motor Vehicles Act, 1988 praying to condone the delay of 1525 days in filing the CMA Sr.No.105388 of 2022.

Prayer in CMA Sr.No.105388 of 2022: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the decree



*CMP No.17254 of 2022
and CMA SR No.105388 of 2022*

and judgment dated 07.02.2018 made in MCOP No.2011 of 2016 on the file of the Motor Accident Claims Tribunal [Special Sub Court No.II], Salem.

For Petitioner/
Appellant : Mr.S.P.Yuvaraj

For Respondents : Mr.P.Suresh Srinivasan
No appearance (for R1)

COMMON ORDER

This Civil Miscellaneous Petition is to condone the delay of 1525 days in preferring the Civil Miscellaneous Appeal, against the decree and judgment dated 07.02.2018 made in MCOP No.2011 of 2016 on the file of the Motor Accident Claims Tribunal [Special Sub Court No.II], Salem.

2. The claim petitioner filed the above claim petition before claims tribunal, claiming compensation for the injuries sustained by him in the road transport accident on 05.12.2014. Before the tribunal, to substantiate his claim, during the trial, he has examined PW1 and marked Ex.P1 to Ex.P9. The Disability certificate issued by the Medical Board is marked as Ex.C1.



*CMP No.17254 of 2022
and CMA SR No.105388 of 2022*

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3. Based upon Ex.C1, 38% disability was assessed and the date of the accident being 2014, Rs.3,000/- per % of disability was granted. The claims tribunal has awarded a total compensation of Rs.2,24,191/-, under various heads.

4. Having not satisfied with the quantum of compensation, the injured claim petitioner has preferred the appeal with a delay of 1525 days.

5. Heard the learned counsel appearing on either side and perused the records.

6. Learned counsel for the 2nd respondent-Insurance company could contend that the Award in MCOP No.2011 of 2016 was passed on 07.02.2018. The award amount was deposited on 24.08.2018 and the entire award amount has been withdrawn by the claimant.



**CMP No.17254 of 2022
and CMA SR No.105388 of 2022**

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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 1525 days. Further, the entire award amount has already been withdrawn in the year 2018 itself and the case has been filed subsequently only in the year 2022

8. Therefore, 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.
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To

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

Page No.4/5



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*CMP No.17254 of 2022
and CMA SR No.105388 of 2022*

RMT.TEEKAA RAMAN,J.,

ars

**Pre-delivery order in
CMP No.17254 of 2022
and CMA Sr. No.105388 of 2022**

08.03.2023