



C.M.P.No.21397 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 19.01.2023	Pronounced on 16.03.2023
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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.P.No.21397 of 2021
in
C.M.A.No.sr116532 of 2021

Anthoniammal, aged 55 years,
W/o.Aruldass,
Zameen Gudaloor Village and Post,
Thiruvannamalai Taluk and District.

... Petitioner

Vs.

1.Kumar,
S/o.Elumalai,
Residing at No.1/25 A,
Thenimalai,
Thiruvannamalai Town and District.

2.Murugan,
Thalaiyoodhu Village and Post,
Chengam Taluk, Thiruvannamalai District.

3.The Divisional Manager,
United India Insurance Company Limited,
No.46, Katpadi Road, Vellore.

4.The Manager,
Bajaj Allianz General Insurance Company Limited,
No.25/26, Prince Towers,



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4th Floor, College Road,
Nungambakkam, Chennai 6.

... Respondents

Prayer: Petition filed under Section 173 (1) of Motor Vehicles Act, 1988 to condone the delay of 2157 days in filing the Appeal against the Award and Decree dated 10.03.2014 made in MACTOP.No.34/2011 on the file of the Motor Accident Claims Tribunal and Principle Special Sub Judge, Tiruvannamalai.

For Petitioner : Ms.M.Malar

For Respondents : Ms.R.Sree Vidhya (for R3)

Mr.S.Arunkumar (for R4)

ORDER

This Petition has been filed to condone the delay of 2157 days in filing the Appeal against the Award and Decree dated 10.03.2014 made in MACTOP.No.34 of 2011 on the file of the Motor Accident Claims Tribunal/Principle Special Sub Judge, Tiruvannamalai.

2.Learned counsel for the Petitioner would contend that as the Petitioner



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is not able to meet his Advocate, there was a delay and due to the injuries and disability sustained by him in the accident, he is unable to do any kind of work and since the Petitioner was in financial crises, there was a delay.

3.Learned counsel for the Insurance Companies would contend that the amount awarded by the Tribunal is just and fair.

4.Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the Insurance Companies.

5.On the report called for by this Court, the learned Principal Subordinate Judge, Thiruvannamalai/trial Court by communication in Dis.No.66/2023, dated 11.01.2023, submitted that the entire award amount of Rs.1,76,191/- was deposited by cheque dated 09.06.2014 itself by the 3rd Respondent and the claim Petitioner also filed IA.No.1429 of 2014 for withdrawing the amount and the same was allowed on 05.09.2014 and a cheque dated 20.10.2014 to the award amount with proportionate interest costs viz., a sum of Rs.1,76,191/- was issued to the claim Petitioner. Thereafter, he was keeping quite and sleeping



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over the matter and subsequently filed this Appeal with a delay period of 2157 days. Since there is inordinate delay of six years, after getting entire award amount that was deposited before the trial Court and no valid explanation offered by the Petitioner, there is no sufficient cause to entertain this Petition.

6. Accordingly, this Petition is dismissed. Consequently, main Appeal in CMA.No.sr116532 of 2021 is rejected.

16.03.2023

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

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



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RMT.TEEKAA RAMAN.J,

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Pre-delivery Order made in

C.M.P.No.21397 of 2021

in

C.M.A.No.sr116532 of 2021

Dated: 16.03.2023