



C.M.P.No.437 of 2022 in
C.M.A.SR.146117 of 2018

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Reserved on 02.03.2023	Pronounced on 18.04.2023
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C.M.P.No.437 of 2022
in
C.M.A.SR.146117 of 2018

RMT.TEEKAA RAMAN.J.,

This petition is filed to condone the delay of 1431 days in filing the appeal against the award dated 17.10.2014 made in M.C.O.P.No.3203 of 2011 on the file of the Motor Accidents Claims Tribunal (II Small Causes Court), Chennai.

2. The petitioners are the claim petitioners in M.C.O.P.No.3203 of 2011 claiming compensation. After trial, the tribunal has held that since on the death of the accident, the driver of the first respondent vehicle did not own a valid driving license and hence dismissed the M.C.O.P against the Insurance Company and directed the owner of the vehicle/first respondent to pay the compensation.

3. The learned counsel for the petitioner drew my attention to the fact that the driving license of the first respondent driver was valid upto



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03.03.2009 and subsequently renewed on 29.10.2011. The accident took place on 14.07.2010 and on the date of the accident, the driver of the first respondent vehicle was driving the vehicle without a valid driving license. However, since he had a license and the same was not renewed, the learned counsel prayed for pay and recovery to be ordered.

4. The learned counsel for the Insurance Company could contend that the claim against the insurance company is already dismissed and there is no plausible explanation for the huge delay.

5. I am not expressing any opinion as to whether the claim petitioners are entitled to pay and recovery as projected. However, taking note of the fact that the owner of the vehicle has not yet deposited the amount and there are arguable points on the merits of the claim petitioners and also since it is a beneficial legislation, I am inclined to allow the petition on condition that the petitioners/appellants are not entitled for interest for the delay period and they are entitled to the interest from the date of admission of C.M.A only.



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6. With these observations, this Civil Miscellaneous Petition is allowed.

No costs.

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Note: The Registry is directed to number the main appeal,
if it is otherwise in order.



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Pre-Delivery order in
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18.04.2023