



C.M.P. (MD)No.790 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.P.(MD)No.790 of 2022

and

C.M.A.(MD) No.SR5505 of 2022

M/s.Tamil Nadu State Transport Corporation,
(Madurai Division-II) Limited.,
Rep by its Managing Director,
No.2, Trivandram Road,
Vannarapettai, Tirunelveli.

...Petitioner/Appellant

Vs.

1.G.Muthulakshmi
2.Minor G.Ramya
3.Minor G.Krishnaveni
4.K.Chinnathai

...Respondents/Respondents

PRAYER in C.M.P.(MD)No.790 of 2022: This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 801 days in filing the Civil Miscellaneous Appeal.

PRAYER in C.M.A.(MD)No.SR5505 of 2022: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to call for the records relating to the award dated 20.08.2019 passed in M.C.O.P.No.261 of 2018 by the Motor Accident Claims Tribunal (IV Additional District Court), Tirunelveli and to set aside the same.



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For Petitioner : Mr.R.Rajamohan

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ORDER

This application has been filed to condone the delay of 801 days in filing the Civil Miscellaneous Appeal against the judgment and decree dated 20.08.2019 passed in M.C.O.P.No.261 of 2018 by the Motor Accident Claims Tribunal (IV Additional District Court), Tirunelveli.

2.The reasons stated in the application are that after pronouncing of the judgment by the Tribunal, the appellant insurance company sought legal opinion for preparing an appeal and the committee had recommended for filing an appeal only on 07.12.2020.

3.On perusal of the entire affidavit, except the said reasons, no other sufficient reasons whatsoever have been given by the petitioner and this Court is of the view that the reasons assigned in the affidavit are formal in nature without any sufficient cause. Therefore, if the delay that was occurred because of such casual manner is condoned, the same will encourage the Officials to be very careless in prosecuting the matter before the Court of law. What is fitted against



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the common man is equally fitted against the Government undertakings. The delay cannot be condoned mechanically without any proper reasons.

4. Even otherwise, the appeal has been filed challenging the negligence and the quantum of compensation awarded by the Tribunal. On perusal of the award, it is clear that the trial Court on appreciation of entire oral and documentary evidence adduced by the claimants found that the negligence is only on the part of the driver of the Corporation. No oral and documentary evidence had been adduced by the respondent to prove the alleged negligence.

5. For the reasons stated above, this Court does not find any merit in this petition and accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, the Civil Miscellaneous Appeal is also rejected at the SR stage itself. No costs.

31.03.2023

Index : Yes/No
NCC : Yes/No
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N.SATHISH KUMAR, J.

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To

- 1.The Motor Accident Claims Tribunal,
IV Additional District Court, Tirunelveli.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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