



C.M.P. (MD)No.2763 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.P.(MD)No.2763 of 2023
and
C.M.A.(MD) No.SR934 of 2018

The Branch Manager,
Reliance General Insurance Company Ltd.,
Madurai.

...Petitioner/Appellant

Vs.

1.Subbiah
2.Ualagu
3.Shumnuga Anandh
4.Kannan

...Respondents/Respondents

PRAYER in C.M.P.(MD)No.2763 of 2023: This Civil Miscellaneous Petition is filed under Section 149 of the Civil Procedure Code to condone the delay of 1826 days in paying deficit Court fees of Rs.18743/- in the above said C.A.S.R.No.934 of 2018 before this Court as against the award passed in M.C.O.P.No.86 of 2012 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Devakottai.



C.M.P. (MD)No.2763 of 2023

PRAYER in C.M.A.(MD)No.SR934 of 2018: This Civil Miscellaneous Appeal is filed under Section 175 of the Motor Vehicles Act, 1988 to set aside the judgment and decree dated 25.07.2017 passed in M.C.O.P.No.86 of 2012 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Devakottai and allow the present Civil Miscellaneous Appeal.

For Petitioner : Mr. K.Gokul

ORDER

This application has been filed to condone the delay of 1826 days in paying the deficit court fee of Rs.18,743/- in the appeal in C.M.A.(MD) No.SR. 934 of 2018.

2.The reasons assigned for such huge delay is that after pronouncing of the judgment by the Tribunal, the appellant insurance company sought sanction from its head office for getting their approval for preparing an appeal and for the sanction of the Court fee. Thereafter, the delay was occurred in the head office in granting approval for filing an appeal and in sanctioning Court fee.



C.M.P. (MD)No.2763 of 2023

WEB COPY

3.On perusal of the entire affidavit, except these two reasons, no other sufficient reasons whatsoever have been given by the petitioner. In the present appeal, the challenge has been made to the award passed by the tribunal. The tribunal has ordered only pay and recovery on the ground that the first respondent had not having valid driving license at the relevant point of time and such liability is not disputed.

4.In such view of the matter, this Court is of the view that the reason assigned in the affidavit is formal in nature without any sufficient cause. The inordinate delay of 1826 days cannot be condoned as a matter of right. The insurance company, being the public limited company and in the field of insurance, they ought to be vigilante in prosecuting the matter before the Court of law. They cannot sit over the files for the years together without any valid reason.

5.The learned counsel for the petitioner contended that the appeal papers have been forwarded to the head office in time, but the same was kept pending without any cause. No other substantiating materials whatsoever have been been filed to accept the contention of the petitioner.



C.M.P. (MD)No.2763 of 2023

WEB COPY

6.For the reasons stated above, this Court does not find any merits 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.

07.03.2023

Index : Yes/No

Internet : Yes/No

ta

To

- 1.The Motor Accident Claims Tribunal,
Subordinate Court, Devakottai.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.P. (MD)No.2763 of 2023

N.SATHISH KUMAR, J.

ta

**C.M.P.(MD)No.2763 of 2023
and
C.M.A.(MD) No.SR934 of 2018**

07.03.2023