



C.M.P. (MD)No.3341 of 2023

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.3341 of 2023

and

C.M.A.(MD) No.SR13955 of 2023

The Managing Director,
Ms.,TNSSTC Limited,
Kumbakonam,
Thanjavur District.

...Petitioner/Appellant

Vs.

Nathiya

...Respondent/Respondent

PRAYER in C.M.P.(MD)No.3341 of 2023: This Civil Miscellaneous Petition is filed under Section 173(1) of the Motor Vehicles Act to condone the delay of 97 days in preferring the Civil Miscellaneous Appeal against the judgment and decree dated 07.07.2022 passed in M.C.O.P.No.121 of 2022 on the file of the Motor Accident Claims Tribunal Special Sub Court, Thanjavur.

PRAYER in C.M.A.(MD)No.SR13955 of 2023: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the judgment and decree in M.C.O.P.No.121 of 2022 dated 07.07.2022 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Thanjavur.

For Petitioner : Mr.A.V.B.Krishnakanth



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ORDER

This application has been filed to condone the delay of 97 days in preferring the Civil Miscellaneous Appeal against the judgment and decree, dated 07.07.2022 passed in M.C.O.P.No.121 of 2022 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Thanjavur.

2.The reason stated in the application is that the Corporation sought an legal opinion as to whether an appeal can be filed against the judgment and decree made by the Tribunal.

3.On perusal of the entire affidavit, except the said reason, no other sufficient reasons whatsoever have been given by the petitioner. This Court is of the view that such casual explanations cannot be accepted in the Court of law. Though Section 5 of the Limitation Act reads liberal approach in condoning the delay with sufficient cause, such liberal approach cannot be adopted in a mechanical manner without even any valuable reasons.

4.Further, the very appeal itself is filed challenging the award of the Tribunal granting compensation of Rs.25,000/- for the injuries sustained by the



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claimant. The accident is not disputed. The only ground, on which the defence was put forth is that only the driver of the tractor was negligent and not the driver of the corporation. Whereas the evidence adduced before the Tribunal clearly proves that the negligence is on the part of the driver of the bus. Such view of the matter, the very filing of the appeal for such small amount of compensation, is nothing but an abuse of process of law.

4. 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,
Special Sub Court, Thanjavur.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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and
C.M.A.(MD) No.SR13955 of 2023

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