



C.M.P. (MD)No.11027 of 2019

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.11027 of 2019

and

C.M.A.(MD) No.SR69341 of 2019

The Managing Director,
The Tamil Nadu State Transport Corporation,
Bye Pass Road, Madurai.

...Petitioner/Appellant

Vs.

1.K.Sasikumar
2.Minor S.Ajeikumar
3.Minor S.Aarthi
4.M.Ravindran
5.R.Maruthayi

...Respondents/Respondents

PRAYER in C.M.P.(MD)No.11027 of 2019: This Civil Miscellaneous Petition is filed under Section 173(1) of the Motor Vehicles Act to condone the delay of 172 days in filing the Civil Miscellaneous Appeal against the judgment and decree dated 30.11.2018 passed in M.C.O.P.No.105 of 2016 on the file of the Motor Accident Claims Tribunal (Additional District Court), Virudhunagar.

PRAYER in C.M.A.(MD)No.SR69341 of 2019: 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.105 of 2016 dated 30.11.2018 on the file of the Motor Accident Claims Tribunal (Additional District Court), Virudhunagar.



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For Petitioner : Mr.K.Sudalayandi

For R1 to R3 : Mr.P.Samuel Gunasingh

ORDER

This application has been filed to condone the delay of 172 days in filing the Civil Miscellaneous Appeal against the judgment and decree, dated 30.11.2018 passed in M.C.O.P.No.105 of 2016 on the file of the Motor Accident Claims Tribunal (Additional District Court), Virudhunagar.

2.The reasons stated in the application are that the award was passed on 30.11.2018 and the application for certified copy was made on 03.12.2018 by the learned counsel. The certified copy of the decree and judgment was received on 11.01.2019. Thereafter, papers were placed before the Finance Committee for getting approval to file an appeal against the said judgment and decree. Hence, the delay was occurred.

3.On perusal of the entire affidavit, except these two reasons, no other sufficient reasons whatsoever have been given by the petitioner. 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



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Court of law. What is fitted against the common man is equally fitted against the Government undertakings. Though the delay appears to be 172 days, the same cannot be condoned mechanically without any proper reasons.

4. Even otherwise, the appeal has been filed challenging the negligence. 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 bus. 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,
Additional District Court, Virudhunagar.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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