



M.P. (MD)No.4085 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

M.P.(MD)No.4085 of 2023
and
C.M.A.(MD) No.SR69831 of 2022

The General Manager,
M/s.Tamil Nadu State Transport Corporation,
Thirumalaisalai,
Pudukkottai District.

...Appellant/Respondent

Vs.

Shahul Hameed

...Respondent/Petitioner

PRAYER in C.M.P.(MD)No.4085 of 2023: This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 116 days in filing the Civil Miscellaneous Appeal against the fair and decreetal order dated 28.02.2022 made in M.C.O.P.No.300 of 2016 on the file of the Motor Accident Claims Tribunal/learned Special Sub Court, Tiruchirappalli.

PRAYER in C.M.A.(MD)No.SR69831 of 2022: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the award and decree dated 28.02.2022 made in M.C.O.P.No.300 of 2016 on the file of the learned Special Subordinate Court, Tiruchirappalli.



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For Petitioner : Mr.K.Ramaiah

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ORDER

This application has been filed to condone the delay of 116 days in filing the Civil Miscellaneous Appeal against the order and decree dated 28.02.2022 passed in M.A.C.O.P.No.300 of 2016 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruchirappalli.

2.The reason stated in the application is that after pronouncing of the judgment by the Tribunal, the appellant insurance company sought legal opinion for preparing an appeal. Hence, the delay was occurred.

3.On perusal of the entire affidavit, except the said reason, 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. At the outset, as a matter of right, the petitioner being a public undertaking cannot take any advantage as if they can prosecute the matter as their whims and fancies. The delay merely citing some administrative reasons cannot be condoned.



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4.The appeal has been filed only challenging the quantum and the liability fixed by the Tribunal. The Tribunal awarded only a sum of Rs.1,72,000/- for the injuries sustained by the petitioner. In the opinion of this Court, the very compensation awarded by the Tribunal is very low. Therefore, filing an appeal challenging the said award with huge delay without any proper explanation itself is nothing but an abuse of process of law.

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.

27.04.2023

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, Tiruchirappalli.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

M.P.(MD)No.4085 of 2023
and
C.M.A.(MD) No.SR69831 of 2022

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