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*CMP.No.1371 of 2024
in CMA.No.SR5653 of 2024*

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(Filing Number)

M.SUNDAR, J
and
K.GOVINDARAJAN THILAKAVADI, J

(Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J**)

This Civil Miscellaneous Petition has been filed for condoning the delay of 147 days in filing the above Civil Miscellaneous Appeal against the judgment and decree dated 27.04.2023 made in in MCOP.No.936 of 2019 on the file of Motor Accidents Claims Tribunal, Special Subordinate Court No.1, Villupuram.

2. Mr.L.P.Balajiram, learned counsel appearing for the petitioner/appellant would submit that due to amputation of both legs, the petitioner was under mental stress and unable to trace out the order copy to file the appeal in time. The said explanation is narrated in paragraph 2 of the support affidavit, which is extracted hereunder:-

'2. I submit that I had filed motor accidents claims petition for the grievous injuries sustained by me in the accident occurred due to the rash and negligent driving of the respondent's bus driver and the



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same after the elaborate enquiry on 27.04.2023 the motor accident Tribunal awarded a sum of Rs.15,66,155/- as against the claim of Rs.1,20,00,000/- Thereafter my counsel who is practicing in the lower court failed to apply the copy application on the same day, and the applied only on 14.08.2023 and lower court delivered the order copy on 11.09.2023 and the same was given to me by my counsel on 11.10.2023 and thereafter due to amputation of my both legs I got a mental stress and subsequently I have misplaced the order copy which was mixed with some other papers in my house and on 30.12.2023 while my house was cleaned for whitewashing and masonry works I got traced out the order copy in my house and thereby immediately all the papers relating to the filing of the appeal to be handed over to my counsel who is practicing before this Hon'ble Court on 02.01.2024.'

3. On the other hand, Mr.C.R.Suresh Kumar, learned counsel for the sole respondent would submit that the reason mentioned in the affidavit is not sufficient to condone the delay and the petitioner should have been more diligent. However, it is a beneficial legislation and in order to achieve a substantial justice and also to apply the law in a meaningful manner to meet the ends of justice, the said explanation is considered to be sufficient to condone the delay in filing the above appeal.



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4. Accordingly, this CMP is ordered as prayed for and the delay of 147 days is condoned. There shall be no order as to costs.

5. Registry is directed to number the Appeal, if it is otherwise in order.

[M.S. J.,] [K.G.T., J]
14.02.2024

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