



CMP No.10991 of 2023
in
CMA SR No.61797 of 2023

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N.ANAND VENKATESH,,J

This Civil Miscellaneous petition has been filed seeking to condone the delay of 2134 days in filing the Civil Miscellaneous Appeal.

2.Heard the learned counsel for the Appellant and perused the records.

3.The appeal has been filed with an exorbitant delay of 2134 days. This Court is not convinced with the reasons assigned in the affidavit filed in support of this petition and it is seen that there is more than five years delay without assigning proper reasons. Hence, this Court is not inclined to condone the delay.

4.That apart, it is also brought to the notice of this Court that the very same petitioner/appellant had also approached the Motor Accident Claims Tribunal, Nellore and the Motor Accident Claims Tribunal referred the matter to the Lok Adalat and an award was passed on 11.2.2017. In spite of the same, the very same claimant has filed yet another claim petition before the Motor Accident Claims Tribunal, Chennai, by giving an impression as if the claim petition that was filed before the Motor Accident Claims Tribunal, Nellore, was not contested. Obviously, a false claim has been made by the petitioner/appellant and the Tribunal has not even considered this issue



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and has awarded compensation. This is yet another ground on which the present petition is liable to be dismissed. Since a false claim has been made by the claimant, the award itself is liable to be interfered by this Court and accordingly, the award in M.C.O.P.No.4707 of 2013, dated 13.2.2017, on the file of (III Judge Small Causes, Chennai) Motor Accident Claims Tribunal, Chennai, is also set aside.

5. Accordingly, this Civil Miscellaneous petition is dismissed. Consequently, CMA. Sr.No.61797 of 2023 is closed. No costs.

12.04.2024

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