



C.M.P(MD)No.12200 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : .02.2025

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THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

C.M.P(MD)No.12200 of 2024
in
C.M.A(MD)No.SR 64206 of 2024

ICICI Lombard Motor Insurance Co., Ltd.,
Karur Bye Pass Road,
Trichy.

...Appellant/Petitioner

-Vs-

1.B.Anguraj

2.S.Rajasekar

... Respondents/Respondents

PRAYER in C.M.P(MD)No.12200 of 2024: Civil Miscellaneous Appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 441 days in preferring the above appeal.

Prayer in C.M.S.A(MD)No.SR 64206 of 2024: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to call



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for the records pertaining to the fair order passed by the Motor Accident Claims Tribunal / Special subordinate Judge, Tiruchirappalli, in MCOP No. 1575 of 2015 dated 21.02.2023 set aside the same and by allowing the appeal.

For Petitioner : Mr.Pethu Rajesh
For R1 : Mr.A.Balakrishnan
For R2 : No appearance

ORDER

This Civil Miscellaneous Petition is filed to condone the delay of 441 days in preferring the main civil miscellaneous second appeal.

2.Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3.On perusal of the order of the Tribunal, it appears that the award was passed in favour of the first respondent/claimant on 21.02.2023 in MCOP No.1575 of 2023 by the Motor Accident Claims Tribunal / Special Sub-Judge, Tiruchirappalli.



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4.The facts of the case is that while the first respondent/claimant is a pillion rider of a two wheeler bearing Registration No.TN-45-BW-1030 came from Trichy to Ariyamangalam road, which was ridden by his friend in a rash and negligent manner, an auto came from opposite direction was driven by its driver in a rash and negligent manner and colluded with the two wheeler. Due to the said impact, the first respondent/claimant sustained multiple grievous injuries. After the said accident, the first respondent could not able to do his daily work. The erred vehicle belongs to the second respondent and insured with the appellant/Insurance Company. Hence, the first respondent filed a claim petition before the Tribunal claiming a sum of Rs.10,00,000/- as compensation.

5.In the affidavit, it has been averred by the petitioner/Insurance Company that the accident occurred only on the part of the rider of the second respondent and hence, the petitioner/Insurance Company is not liable to pay compensation.



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6.The learned counsel appearing for the petitioner submitted that the Tribunal granted a sum of Rs.1,00,000/- as compensation, is on the higher side. Challenging the award passed by the Tribunal, the petitioner/Insurance Company has preferred the aforesaid appeal.

7.As regards the delay is concerned, it appears that the reason for delay is the certified copy of the award was misplaced with the other case files and hence, the delay of 441 days occurred in preferring the appeal.

8.I have carefully considered the submissions made by the learned counsel for the petitioner and also perused the materials available on record.

9.The delay caused is for a long period. The reason assigned for the delay caused are not convincing and acceptable, as the delay period is more than one year.



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10.Considering the facts and circumstances of the case, the petitioner lacks bonafide and hence, this petition stands dismissed. Consequently, the Civil Miscellaneous Second Appeal is rejected at SR stage itself. No costs.

.02.2025

NCC:Yes/No

Index:Yes/No

Internet::Yes/No

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To

1.The Motor Accident Claims Tribunal
Special subordinate Judge,
Tiruchirappalli.



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R. KALAIMATHI,J.

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