



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

**CMP No. 20297 of 2025
AND
CMA SR NO. 104424 OF 2025**

The Managing Director
Tamil Nadu State Transport
Corporation Limited(Madurai), Bye
pass Road, Madurai-625 010

Appellant(s)

Vs

1. Sathiya
2.Murugesan

Respondent(s)

CMA SR No. 104424 of 2025

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

Appellant(s)

Vs

1. Sathiya
2.Murugesan

Respondent(s)

Prayer in CMP No. 20297 of 2025: Petition filed under Section 173(1) of Motor Vehicle Act, 1988 to condone the delay of 534 days in filing the appeal against award made in MCOP.No.73/2018 dated 26-09-2023 on the file of the Motor Accident Claims Tribunal, Palacode, in the Court of Motor Accident Claims Authority/Subordinate Judge, Palacode.

Prayer in CMA SR No. 104424 of 2025: Appeal filed under Section 173 of Motor Vehicle Act, 1988 to set aside the Award dated 26.09.2023 made in MCOP.No.73 of 2018 on the file of the Motor Accident Claims Tribunal, Palacode, in the Court of Motor Accident Claims Authority/Subordinate Judge, Palacode.

For Appellant(s): Mr.Anton Dhanasekaran

For Respondent(s): Mr.S Udayakumar

**COMMON ORDER**

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This petition has been filed to condone the delay of 534 days in filing the above appeal against the final award passed by the Motor Accident Claims Tribunal, Palacode, in the Court of Motor Accident Claims Authority/Subordinate Judge, Palacode in MCOP.No.73 of 2018 dated 26.09.2023.

2. The reason for the delay, as stated in the affidavit filed in support of the petition, is that the copy of the award was placed before the Accident Claims held on 21.08.2024 for filing an appeal and in getting approval, the delay was caused. Hence, there occurred a delay of 534 days in filing the appeal and the delay is neither willful nor wanton.

3. It is to be noted that though the award was passed on 26.09.2023, whereas, the copy application itself was filed on 22.02.2024 which indicate that there is a gross negligence on the part of the appellant and further we also found that the date on which the award received is also left blank. It is well settled law that liberal approach should be taken while considering the application for condonation of delay, but at the same time there should be reasonable ground and plausible reasons to condone the delay. As a matter of right, the delay cannot be condoned particularly when there is a huge delay and



4. In this regard it is useful to refer the judgment of the Division Bench of this Court in ***State of Tamil Nadu and Ors Vs. Melvisharam Muslim Educational Society*** reported in 2018 [3] CTC 420, wherein the Division Bench of this has held as follows:

“... Though the delay is condoned by the Court normally in a liberal manner, the said approach cannot be extended mechanically without any plausible explanation. What is pitted against an ordinary litigant is also pitted against the Government before Court of law to establish a particular fact. Though the word ‘sufficient cause’ has to be given a liberal approach, to exercise discretion for such liberal approach, there must be necessary facts in the affidavit filed in support of the same. But, on a perusal of the affidavit, we do not find plausible explanation for such delay except stating that there is an administrative delay. Such vague and bald explanation cannot be accepted mechanically. When Courts are extending such liberal approach mechanically, it has become a routine affairs of the Government Departments to file the appeals against every order passed by the Court. The present day scenario in filing the appeal, challenging every order by the Government Departments, clearly exhibits shirking responsibility of the Department Heads. In fact, now the tendency has developed among the Department Heads, not to take any risk and to avoid any question relate to the litigant and only in order to avoid any query, the administrative side files these types of appeals, though there is no merit in the appeal.”

5. When the law mandates that a particular activity shall be performed within a stipulated time, the same cannot be diluted. What is pitted against the common man is equally apply against the Government. They cannot sit over the files and come to the Court belatedly with some flimsy reasons. A Court granting indulgence must be satisfied that there was diligence on the part of the appellant. When there is no sufficient cause for condoning the delay, the said



delay cannot be condoned as a matter of right.

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6. The Court, in exercising discretion, particularly in these types of petitions, has to see the conduct, behaviour and attitude of a party relating to its inaction or negligence. The above factors are relevant to be taken into consideration as the fundamental principle is that Courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go-by in the name of liberal approach. There is an increasing tendency to perceive delay even in a non-serious matter. Hence, the delay due to nonchalant attitude should be curbed at the initial stage itself. It is for them to be very vigilant from the very inception and they cannot sit over the files and come up with unacceptable reasons to condone the delay.

7. We are not satisfied with the reasons for condoning the delay. Hence, this petition is dismissed. Consequently, C.M.A.SR.No.104424 of 2025 stands rejected. No costs.

(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)
27-02-2026

dhk

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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CMP No. 20297 of 2025



**N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.**

dhk

To

1.The Sub Judge
Motor Accident Claims Tribunal/Sub
Judge, Palacode

**CMP No. 20297 of 2025
AND CMA SR NO.
104424 OF 2025**

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