



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.02.2026

WEB COPY

Coram:

The Honourable Mrs.Justice K.GOVINDARAJAN THILAKAVADI

**C.M.P.No.24022 of 2025
in C.M.A.SR.No.149196 of 2025**

Perumal
Rep. by his next friend/Guardian/Wife Murugambal
Residing at D.No.1/26, Mandhavelli Kottai,
Sivadi, Pagalahalli,
Dharmapuri District – 636 807.
Now residing at D.No.2-3/65,
Vellalar Street, Mallur Village,
Parappatty Post, Salem District.

...Petitioner

Versus

1.Vasanthamani

2.The New India Assurance Company Limited,
No.12, New Hospital Road, Gobichettipalayam,
Erode District – 638 452.

...Respondents

Prayer: This Civil Miscellaneous Petition is filed under Section 173(1) of M.V.Act praying to condone the delay of 589 days in filing the above Civil Miscellaneous Appeal before this Court against the Order dated 04.11.2022 made in M.C.O.P.No.1574 of 2019 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge No.I, Salem.

For Petitioner	:	Mr.C.Paraneedharan
For Respondent – 1	:	Mr.N.S.Balaji for Mr.M.Guruprasad



ORDER

This Civil Miscellaneous Petition has been filed by the Petitioner seeking to condone the delay of 589 days in filing the above Civil Miscellaneous Appeal against the Order dated 04.11.2022 in M.C.O.P.No.1574 of 2019 passed by the learned Special Subordinate Judge No.I, Motor Accident Claims Tribunal, (Special Subordinate Court No.I, Salem).

2. The learned counsel for Petitioner submitted that the Petitioner is represented by his wife viz., Murugambal. The Petitioner had sustained multiple head injuries in the road accident which took place on 02.05.2017 and thus, his wife had filed a Claim Petition in M.C.O.P.No.1574 of 2019 before the Motor Accident Claims Tribunal, (Special Subordinate Court No.I, Salem) claiming compensation for the injuries sustained by the Petitioner. Due to the multiple head injuries caused to Petitioner, he had sustained 75% of permanent disability. However, the Tribunal had awarded a meagre amount as compensation to the Petitioner. Hence, the Petitioner's wife has preferred a Civil Miscellaneous Appeal seeking for enhancement of compensation, but, there is a delay of 589 days in preferring the said appeal. Since the Petitioner's wife took him to neighbour state for further treatment and the Petitioner's family was facing a financial crisis, the Petitioner could not file the appeal in time. The delay occurred in filing the appeal is neither willful nor wanton. Therefore, the learned counsel prayed that this Civil Miscellaneous Petition may be allowed.



3. On the other hand, the learned counsel appeared on behalf of 1st Respondent submitted that he has serious objection to this petition being allowed since the reasons attributed in the affidavit filed by the Petitioner are not sufficient to condone the delay in filing the appeal. He further submitted that in the case of ***Esha Bhattacharjee Vs. Raghunathpur Nafar Academy*** reported in **(2013) 12 SCC 649**, the Hon'ble Supreme Court had clearly discussed about the sufficient causes to condone a delay and when a delay should not be condoned. For better appreciation, the relevant portion of the said decision is extracted hereunder:

“18. Recently in ManibenDevraj Shah Vs. Municipal Corpn. of Brihan Mumbai [(2012) 5 SCC 157 : (2012) 3 SCC (Civ) 24], the learned Judges referred to the pronouncement in Vedabai Vs. ShantaramBaburaoPatil [(2001) 9 SCC 106] wherein it has been opined that a distinction must be made between a case where the delay is inordinate and a case where the delay is of few days and whereas in the former case the consideration of prejudice to the other side will be a relevant factor; in the latter case no such consideration arises. Thereafter, the two Judge Bench ruled thus: (ManibenDevraj Shah case [(2012) 5 SCC 157 : (2012) 3 SCC (Civ) 24], SCC pp. 168-69, paras 23-24)

“24. What colour the expression ‘sufficient cause’ would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his case, then it would be a legitimate exercise of discretion not to condone the delay.””



The learned counsel for the 1st Respondent submitted that the above Civil Miscellaneous Appeal has been filed with an inordinate delay of 589 days and the reason for the delay is gross negligence on the part of Petitioner. Therefore, this Civil Miscellaneous Petition is liable to be dismissed.

4. Heard the learned counsel for Petitioner and the learned counsel appeared on behalf of 1st Respondent.

5. The Motor Vehicle Act is a beneficial legislation. The reasons attributed by the Petitioner are that due to the financial crisis and the injured was under treatment, the Petitioner could not file the appeal in time. The above reasons appear to be sufficient. Therefore, considering the facts and circumstances of the case and in the interest of justice, this Court is inclined to condone the delay and allow this petition.

6. Accordingly, the delay of 589 days in filing C.M.A.SR.No.149196 of 2025 is condoned and this Civil Miscellaneous Petition is allowed.

27.02.2026

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Note: Registry is directed to number C.M.A.SR.No.149196 of 2025, if it is otherwise in order.

To

1.Motor Accident Claims Tribunal,
(Special Subordinate Court No.I, Salem).

2.The Section Officer,
Vernacular Records Section,
High Court, Madras.

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