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CMP No. 27482 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR JUSTICE K. RAJASEKAR

C.M.P No. 27482 of 2025

in

C.M.A SR. No.143428 of 2025

The Managing Director
Tamil Nadu State Corporation Ltd.,
Villupuram,
Having office at:
No.3/137, Salamedu, Villupuram 605 602.

..Appellant /
Respondent

Vs.

1. S. Gnanasakthi
W/o. Shanmugasundharam, No.2/6. S.K.
Mettur, S.Kondalam, Namakkal Dt.

..1st Respondent
/ 1st petitioner

2.S. Nivethitha
D/o. Shanmugasundharam, No.2/6. S.K. Mettur,
S.Kondalam, Namakkal Dt.

..2nd Respondent
/ 2nd petitioner

To condone the delay of 973 days in filing the above appeal against Judgment and Decree dated 14.09.2022 passed in MCOP No.1303 of 2018 on the file of the (Before the MACT Sessions Judge, Special Court for Trial of Cases Registered Under SC/ST(POA) Act, Namakkal).

For Appellant(s): Mr.Santhosa Kumar

For Respondent(s): Mr.C.Jagadish For R1 & R2

**ORDER**

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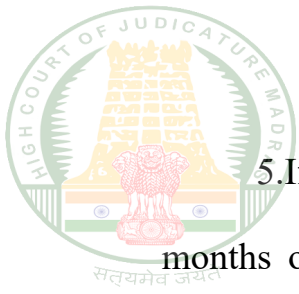
(Order of the Court was made by C.V.Karthikeyan J.)

The respondent in M.C.O.P.No.1303 of 2018 on the file of the MACT, Sessions Court for Trial of Cases registered under SC/ST (POA) Act, Namakkal, aggrieved by the award dated 14.09.2022 has filed the petition seeking to condone the delay of 973 days in filing the appeal.

2. Notice had been directed in the petition and notice had been served and the counsel had also entered appearance on behalf of the 1st and 2nd respondent / claimants.

3. We have heard the learned counsel on the issue of delay and also on the merits of the appeal, since the award is of the year 2022 and more than nearly four years had been gone from the date of award.

4. With respect to the delay, in the affidavit filed in support of the petition, it had been stated that the award will have to be placed before the Board, which is conducted 90 days once and after that opinion had to be obtained by the panel advocate and only thereafter, the appeal could be filed.



5.If the award has to be placed before the Board once in every three months on and from the year 2022 till 2026, atleast there would have been twelve three months period and it is not known why it was not placed at the earliest. Irrespective of the reason given for the delay, we are not convinced with the bonafide of the petitioner. The petition to condone delay is dismissed.

6.We have however examined the nature of the award passed.

7.The only ground urged is on the issue of negligence. It is the case of the petitioners that on 14.12.2017 at about 11.50 p.m., the deceased was travelling in the front seat beside the driver of a Maruti Swift car bearing Reg. No.TN-70-L-4772 on Tindivanam to Tiruvannamalai road near Thennarasampattu Village, Tiruvannamalai. The driver, who is the owner of the car was driving carefully at the left side of the road towards Tiruvannamalai. At that time, a Tamil Nadu State Transport Corporation Ltd., bus bearing Reg. No.TN-25-N-0207, which was driven by its driver in a rash and negligent manner, came in the opposite direction towards Chennai and hit the front portion of the car.

8.It is contended by the learned counsel for the petitioner herein that the car avoided the barricade, which had been put up and there was a head on collusion. But however, if negligence is to be placed on the driver of the car, then the petitioner herein should have examined the driver of the bus. For the



reasons best known, the driver was not examined during trial and only RW-1, Motor Vehicle Inspector who had not witnessed the accident and who did not know the details of the accident had tendered evidence. The Tribunal had considered the manner in which the accident had occurred and in our opinion, had correctly decided the entire issue and had fixed liability entirely on the appellant / petitioner.

9. Additionally, the appeal had also been filed after four years from the date of the award. There is no argument advanced with respect to the quantum granted. We are not satisfied with the reasons given for the delay for about four years. The plight of the claimants who lost their husband / father will also have to be taken into consideration.

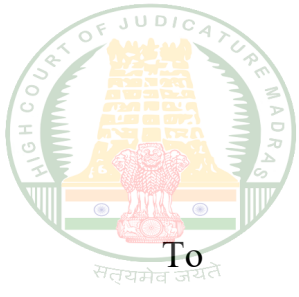
10. With the above observations, this petition stands dismissed and the appeal is rejected in the SR stage itself.

11. A direction is given to the petitioner / appellant to deposit the award amount together with accrued interest and cost within a period of four weeks from this date. The claimants are at liberty to file necessary execution petition to enforce the award.

(C.V.K.,J.) (K.R.S.,J.)
28-04-2026

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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To

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Motor Accident Claims Tribunal / Sessions Judge,

Special Court for Trial of Cases Registered Under SC/ST(POA) Act, Namakkal.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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