



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.02.2026

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Coram:

The Honourable Mrs.Justice K.GOVINDARAJAN THILAKAVADI

**C.M.P.No.28044 of 2025
in C.M.A.SR.No.179179 of 2025**

1.Rojavathi

2.Bakkiyalakshmi

3.Arunkumar

4.S.Pavithra

5.Pachiyammal

...Petitioners

Versus

1.Selvakumar

2.National Insurance Company Ltd.,
Rep. by its Branch Manager,
88F, Bypass Road, Dharmapuri Town,
Taluk & District.

...Respondents

Prayer: This Civil Miscellaneous Petition is filed under Section 173(1) of Motor Vehicles Act praying to condone the delay of 2209 days in filing the appeal.

For Petitioners	:	Mr.S.Udhayakumar
For Respondent – 1	:	No Appearance
For Respondent – 2	:	Ms.R.Sreevidhya



ORDER

This Civil Miscellaneous Petition has been filed by the Petitioners/Claimants seeking to condone the delay of 2209 days in filing the above Civil Miscellaneous Appeal.

2. Mr.S.Udhayakumar, learned counsel for Petitioners/Claimants submitted that Petitioners/Claimants had filed a Claim Petition before the Tribunal claiming compensation for the death of Samraj who died in a road accident occurred on 24.04.2017. The deceased Samraj is the sole bread winner of his family. There is no other person in the family of Petitioners/Claimants to instruct the Petitioners' Advocate to file an Appeal as against the award passed by the Tribunal and that apart, Petitioners/Claimants have no sufficient funds to file an Appeal before this Court. Hence, there is a delay of 2209 days in filing the above Civil Miscellaneous Appeal. The said delay is neither willful nor wanton. Therefore, the learned counsel prayed that the delay of 2209 days in filing the above Civil Miscellaneous Appeal may be condoned.

3. Ms.R.Sreevidhya, learned counsel appeared on behalf of 2nd Respondent/Insurance Company submitted that 2nd Respondent/Insurance Company has deposited the compensation amount awarded by the Tribunal as per the direction issued by the Tribunal in Order dated 01.07.2019 in M.C.O.P.No.644 of 2017. She further submitted that she has serious objection to this petition being allowed since there is an enormous delay of 2209 days has occurred in filing the Appeal and the reasons stated in the affidavit filed in support of this petition are not convincing.



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4. Though the learned counsel appeared for 2nd Respondent has expressed his serious objection for allowing this petition, this Court is being satisfied with the reasons stated in the affidavit filed in support of this petition. Hence, the delay of 2209 days in filing C.M.A.SR.No.179179 of 2025 is condoned and this Civil Miscellaneous Petition is allowed.

5. It is made clear that after the numbering of this Civil Miscellaneous Appeal, if this Court enhances the compensation which was awarded by the Tribunal, Petitioners/Claimants will be entitled to get interest only from the date of numbering of this Civil Miscellaneous Appeal and they will not be entitled to get any interest for the default period.

11.02.2026

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Note: Registry is directed to number C.M.A.SR.No.179179 of 2025, if it is otherwise in order.



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K.GOVINDARAJAN THILAKAVADI, J.

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