



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

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

**CMP No. 32881 of 2025
in
CMA Sr.No.178826 of 2025**

The District Collector
Collectorate, Master Plan Complex,
Villupuram Taluk,
Villupuram Dist 605 602

Appellant(s)

Vs

1. Govindarasu
- 2.Minor. Moulika
- 3.Mangayarkarasi

Respondent(s)

PRAYER in CMP No.32881 of 2025

This Civil Miscellaneous Petition filed under Section 173(1) of Motor Vehicles Act to condone the delay of 442 days in filing the above Civil Miscellaneous Appeal against MCOP.No. 356/2023 vide order dated 22.4.2024.

PRAYER in CMA Sr.No.178826 of 2025

This Civil Miscellaneous Appeal has been filed under Section 173 of MV Act to set aside the judgment and decree dated 22.04.2024 made in MCOP. No.356 of 2023 passed by the Motor Accident Claims Tribunal/Special District Judge, Villupuram.



For Petitioner

Mr. P.Gurunathan,
Addl. Gov. Pleader**ORDER****(Order of the Court was made by N.Sathish Kumar J.)**

This application has been filed to condone the delay of 442 days in filing appeal challenging the award passed by the Motor Accident Claims Tribunal, Villupuram in MCOP No.356 of 2023, dated 22.04.2024.

2. Heard the learned Additional Government Pleader appearing for the petitioner.

3. The reason assigned for the delay in filing the appeal is that since the parliamentary election intervened in the year 2024, The District Collector was engaged in election duties till June 2024. Followed that, Bye Elections to Vikravandi Assembly constituency was conducted. Thereafter due to the Fengal Cyclone, the relief and rehabilitation works were undertaken up to January 2025. Later, the legal opinion from the Government Pleader was received only on 21.08.2025 and thereafter, the appeal has been filed. Hence, there is a delay of 442 days in filing the Civil Miscellaneous Appeal.



4. It is relevant to note that though liberal approach has been adopted while considering the applications for condonation of delay, such liberality cannot be extended to an extent where the reasons assigned lose their bonafide character. The reasons put forth must be genuine, reasonable and acceptable. Though it is stated that the District Collector was engaged in Parlimentary General Election during the year 2024, and thereafter in bye-elections up to September 2024 and subsequently up to January 2025 he was engaged in the relief and rehabilitation work due to the Fengal Cyclone, such an explanation, by itself, cannot be accepted as a sufficient cause for the inordinate delay in filing the Civil Miscellaneous Appeal. It is relevant to note that the award has been passed as early as on 22.04.2024 and the Copy was obtained on 21.05.2024. Therefore, merely because the general election intervened, that cannot be a ground to hold that no other activity could be done by the District Collector.

5. Similarly, the reason assigned that up to January 2025 he was engaged in the relief and rehabilitation work due to the Fengal Cyclone is also in our view is artificial in nature. Merely because the District Collector being the head has involved in the General Election cannot be said that he will be excused from attending other important works. 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. 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.

6. 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.

7. 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.

8. Considering the above aspects and further the affidavit filed for condoning the delay, did not contain any details as to how the delay of 442 days had occurred and that no plausible and proper explanation was assigned for each and every day-s delay, we are of the view that it is a fit case where the discretion cannot be exercised for condonation of the delay.



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9. In the case on hand, the affidavit filed along with the petition indicate that very casual allegations have been made and the same indicate that only to protract payment of compensation fixed by the Tribunal, this appeal has been filed with such a huge delay. Such approach is nothing but to take away constitutional right of the parties. Hence, we do not find any merit in this petition.

10. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, Civil Miscellaneous Appeal is rejected at the SR stage itself.

(N.SATHISH KUMAR J.) (R.SAKTHIVEL J.)

06-01-2026

Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes

mrp

To

The Special District Court,
Motor Accident Claims Tribunal,



Villupuram.

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