



WEB COPY

CMP No. 239 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP No. 239 of 2026

in

C.M.A (SR) No.211355 of 2025

The Manager
Cholamandalam MS General Insurance Company
Limited,
II Floor, Shaw Wallace Building,
No.154, Thambu Chetty Street,
Parrys Corner,
Chennai.

..Appellant(s)

Vs

1. S. Thenmozhi
W/o. Selvam,
No.3, Mariyamankoil Street,
Agaram,
Kullanchavadi Post,
Kurinjpadi Taluk,
Cuddalore 607 301.
2. D. Selvam
S/o. Dheivadigamani,
No.3, Mariyamankoil Street,
Agaram,
Kullanchavadi Post,
Kurinjpadi Taluk,
Cuddalore 607 301.



3. S. Kamala
W/o. Selvam,
No.113, School Street,
Sandrorpalayam Port,
Cuddalore OT - 607 003.

..Respondent(s)

C.M.P.No.239 of 2026: Petition filed under Section 173(1) of Motor Vehicles Act, 1988 to condone the delay of 1018 days delay in filing an Appeal as against the Final Award passed by the Motor Accident Claims Tribunal (I Additional District and Sessions Judge at Cuddalore, in M.C.O.P.No.363 of 2019 .

C.M.A.Sr.No.211355 of 2025: Appeal filed under Section 173 of the Motor Vehicles Act against the Final Award passed by the Motor Accident Claims Tribunal (I Additional District and Sessions Judge at Cuddalore, in M.C.O.P.No.363 of 2019 .

For Appellant(s): Mr. J.Micheal Visuvasam

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

This petition has been filed to condone the delay of 1018 days in filing the above appeal against the final award passed by the Motor Accident Claims Tribunal (I Additional District and Sessions Judge), Cuddalore in M.C.O.P.No.363 of 2019 dated 25.11.2022.



2. The reason for the delay, as stated in the affidavit filed in support of the petition, is that the entire file was sent to the High Court Advocate for an opinion and upon receipt of the file, it was found that the certified copy of the judgment and decree was misplaced during transit and hence, there occurred a delay of 1018 days in filing the appeal and the delay is neither willful nor wanton.

3. 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 of more than three years.

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 after three years 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.

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.

WEB COPY

7. We are not satisfied with the reasons for condoning the delay. Hence, this petition is dismissed. Consequently, C.M.A.SR.No.211355 of 2025 stands rejected. There shall be no order as to costs.

(N.S.K.,J.) (R.S.V.,J.)
28-01-2026

Neutral Citation: Yes

gpa



WEB COPY

CMP No. 239 of 2



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

gpa

**CMP No. 239 of 2026 in
C.M.A (SR) No.211355 of 2025**

28-01-2026

1.