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C.M.P(MD)Nos.5019, 5020 and 5021 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.01.2026

Pronounced on : 11.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

C.M.P(MD)Nos.5019, 5020 and 5021 of 2025

in

C.M.A(MD)SR.Nos.21799, 21800 & 21801 of 2025

The Managing Director,
Tamil Nadu Transport Corporation Limited,
For Kumbakonam Division,
Kumbakonam.

... Petitioner/Appellant
in all CMPs.

Vs.

1. N.Bhuvaneswari,
W/o. Natarajan,
Door No.114, Anna Nagar,
Kulamangalam South Village,
Alangudi Taluk,
Pudukkottai District.
2. R.Murugan,
S/o. Ramaiya,
43, Driver (Staff No.97029)
Tamil Nadu Transport Corporation Limited,
Pudukkottai and Residing at Periyarpuram,
Poothalur.
3. The General Manager,
Ashok Leyland Finance Limited,
Thiyagarayanagar,
Chennai - 600 017.



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4. Branch Manager,
National Insurance Company Limited,
Trichy Branch.

V.Karthikeyan (Died)

5. Sivanthi,
W/o. Late. Karthikeyan,
Vadakkikadu Village,
Keeramangalam, Alangudi Taluk,
Pudukkottai District.

6. Kayalvizhi,
W/o. Vidankan,
Mangudi and Mangudi Post,
Alangudi Taluk,
Pudukkottai District.

7. Bharathi,
S/o. Late. Karthikeyan,
Vadakkikau Village,
Keeramangalam, Alangudi Taluk,
Pudukkottai District.

8. Parkavi,
D/o. Late. Karthikeyan,
Vadakkikadu Village,
Keeramangalam, Alangudi Taluk,
Pudukkottai District.

9. Barath,
S/o. Late. Karthikeyan,
Vadakkikadu Village,
Keeramangalam, Alangudi Taluk,
Pudukkottai District.

... Respondents/Respondents
in all CMPs.



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COMMON PRAYER: Civil Miscellaneous Petitions are filed under Section 173(1) of the Motor Vehicles Act, 1988, to condone the delay of 1179 days in filing the appeal in CMA(MD)SR.Nos.21799, 21800 and 21801 of 2025, respectively.

In All Petitions:

For Petitioner	: Mr.S.Micheal Heldon Kumar
For R1	: Mr.J.Lawrance
R2 & R3	: Ex-parte
For R4	: Mr.A.Ilango
For R5 to R9	: J.Anand Kumar

COMMON ORDER

These Civil Miscellaneous Petitions are filed to condone the delay of 1179 days in filing the Civil Miscellaneous Appeals against the common award, dated 09.09.2021 made in M.C.O.P.Nos.338, 340 and 341 of 2012 on the file of the Motor Accident Claims Tribunal-cum-Additional District Court, Pudukkottai.

2. The petitioner has stated reasons in the accompanying affidavit filed along with the Civil Miscellaneous Petitions are follows:

The petitioner is the second respondent in the claim petitions. After order was passed by the Motor Accident Claims Tribunal, the papers were placed before the Board for legal opinion to prefer the appeal. Due to



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administrative reasons, the meeting was not conducted in time.

Legal opinion was approved after conducting meeting by the Board. So there is a delay of 1179 days in preferring the appeals. The petitioner has got a fair case to succeed the appeal. Therefore, the delay days may be condoned.

3. The respondents 1, 4 and 5 to 9 filed the counter and objected the petitions and stated as follows:

The accident took place on 01.11.2005, and the Motor Accident Claims Tribunal passed order on 09.09.2021 awarding compensation to the claimants. The petitioner has filed the appeal with a delay of 1179 days, i.e., nearly three years. The petitioner, being government body, has to approach this Court within a reasonable time. The only reason stated for delay is administrative ground which is not acceptable. Each and every days delay has not been properly explained. The reason stated by the petitioner is not sufficient. If the delay is condoned, these respondents will be put to irreparable loss. Therefore, the petition may be dismissed.

4. The learned counsel for the petitioner has submitted that the petitioner contended before the Tribunal that the accident took place due to negligence driving on the part of the deceased Nagendran who drove the car



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and hit against the petitioner's bus, but the lower Court/Tribunal has passed award fixing liability 80% on the petitioner's bus and 20% on deceased vehicle. The petitioner intended to prefer the appeal as the FIR was registered against the deceased Nagendran, who drove the car and hence, the petitioner has a good chance of success in the appeal for fixing liability 50% + 50%, so the relevant records were placed before the Board as the petitioner is government body. Since there was administrative reason in condoning board meeting, delay has been occurred. The insurance company of the car has not preferred any appeal against 20% liability. After filing counter, the petitioner has deposited 50% of awarded amount. Therefore, the petition may be allowed.

5. Per contra, the learned counsels for the respondents 1, 4 and 5 to 9 vehemently contended that the Tribunal has correctly fixed the liability as 80% on the petitioner's bus and 20% on the driver of the car. After lapse of three years, the petitioner has preferred the appeal with delay, the reason stated by the petitioner is administrative exigency, which is not a sufficient reason. The learned counsel for the respondents 1, 4 and 5 to 9 has further argued that mere deposit of 50% will not give any right to condone the delay, the petitioner has to satisfy each and every days delay and relied on the



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judgment of the Hon'ble Supreme Court rendered in **Shivamma (Dead) By**

LRs case in Civil Appeal No.11794 of 2025, in which it is held in paragraph

Nos.212 to 214 as follows:

"212. The law as it presently stands, post the decision of Postmaster General (supra), is unambiguous and clear. Condonation of delay is to remain an exception, not the rule. Governmental litigants, no less than private parties, must demonstrate bona fide, sufficient, and cogent cause for delay. Absent such justification, delay cannot be condoned merely on the ground of the identity of the applicant.

*213. From a combined reading of **Bal Kishan Mathur** (supra) and **Sheo Raj Singh** (supra) it is equally manifest that the ratio of **Postmaster General** (supra) is, in essence, twofold. First, that State or any of its instrumentalities cannot be accorded preferential treatment in matters concerning condonation of delay under Section 5 of the Limitation Act. The State must be judged by the same standards as any private litigant. To do otherwise would not only compromise the sanctity of limitation. The earlier view, insofar as it favoured a liberal approach towards the State or any of its*



instrumentality is no more the correct position of law. Secondly, that the habitual reliance of Government departments on bureaucratic red tape, procedural bottlenecks, or administrative inefficiencies as grounds for seeking condonation of delay cannot always, invariably accepted as a “sufficient cause” for the purpose of Section 5 of the Limitation Act. If such reasons were to be accepted as a matter of course, the very discipline sought to be introduced by the law of limitation would be diluted, resulting in endless uncertainty in litigation.

214. What has been conveyed in so many words, by the decision of Postmaster General (supra) is that while excuses premised solely on bureaucratic lethargy cannot, by themselves, constitute sufficient cause, there may nonetheless be circumstances where the explanation offered, though involving bureaucratic procedures, reflects a genuine and bona fide cause for the delay. In such instances, the true test is whether the explanation demonstrates that the State acted with reasonable diligence and whether the delay occurred despite efforts to act within time. Where such bona fides are established, the Court retains the discretion to condone the delay.



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WEB COPY 6. Heard both sides and perused the records in these petitions.

On perusal of the records, it is seen that the accident took place on 01.11.2005. The respondent filed the petition alleging that while the deceased Nagendran drove the car bearing registration No.TN 55 K 7428, belonging to the 3rd respondent at the occurrence place, the petitioner's bus bearing registration No.TN 55 N 0269 dashed against the car. The respondents/claimants filed a claim petition before the Tribunal, which has passed order awarding compensation on 09.09.2021. The petitioner's case is that FIR was registered against the deceased driver of the car, but the Tribunal fixed liability as 80% on the petitioner's bus and 20% on the driver of the car, so the petitioner intended to prefer the appeal, but there happened delay of 1179 days in preferring the appeal.

7. The petitioner's reason for delay is due to administrative reason as the Board conducted meeting and accorded approval, though material records were placed before the Board in time. The petitioner has not produced any document to show that when the records for preferring appeal were placed before the Board, what was the reason the Board had not conducted the meeting and why the records for preferring appeal were not



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placed before the meeting whenever conducted and lastly, when the Board gave an opinion for preferring appeal. Even such things by way of averments in the affidavit are silent. The Hon'ble Supreme Court in Shivamma case above cited, clearly observed and held that

“habitual reliance of Government departments on bureaucratic red tape, procedural bottlenecks, or administrative inefficiencies as grounds for seeking condonation of delay cannot always, invariably accepted as a “sufficient cause” for the purpose of Section 5 of the Limitation Act. If such reasons were to be accepted as a matter of course, the very discipline sought to be introduced by the law of limitation would be diluted, resulting in endless uncertainty in litigation.”

It is well settled provision that each and every days delay has to be explained and in each and every case has to be decided upon the facts and circumstances of the case concerned. The law will help the party to the suit, who is vigilant on the case proceedings. The litigants are always expected to be vigilant over their rights and liabilities, duties and responsibilities and any litigant who slept over their right has to necessary loose their right on account of efflux of time. Any litigant who slept over his/her right cannot



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wake up on fine morning and knock the doors of the Court for redressal of his/her grievance.

8. In this case on hand, the delay is 1179 days, that too appeal against the award passed in motor accident cases. The award was passed in the year 2021 for the accident took place in 2005. If the petitioner wants to continue the case, that would definitely cause irreparable loss to the claimants who have been agitating the case from 2005. As rightly contended by the counsel for the respondents that mere deposit of 50% of awarded amount, will not entitle the petitioner to the right of appeal and to condone the delay in preferring the appeal. The petitioner has to satisfy each and every days delay. Except the averment that the meeting was not conducted by the appropriate board for getting legal opinion, there is no material placed to show the reason for non-conduction of meeting, when the papers were placed for getting an opinion and when the same was approved. Therefore, considering the above facts and circumstances, this Court is of the opinion that the petitioner is not an illiterate or new person to Court, the petitioner is attending in number of accident cases, which are filed for seeking compensation by the claimants, so, the knowledge of Court proceedings must be known to the petitioner. After kept silent for 1179 days, i.e., nearly

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3 ½ years, the petitioner has filed the petition to condone the delay is not acceptable one. Thus, these petitions are not having any merits and the same are liable to be dismissed.

9. In the result, the C.M.P(MD)Nos.5019, 5020 and 5021 of 2025 in C.M.A(MD)SR.Nos.21799, 21800 & 21801 of 2025 are dismissed. Consequently, the Civil Miscellaneous Appeals are rejected at SR stage itself. No costs.

11.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

The Motor Accident Claims Tribunal/
Additional District Court,
Pudukkottai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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in
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