



*C.M.P.(MD)No.8775 of 2025
in C.M.A(MD)No.SR 34329 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.04.2026

Pronounced on : 12.06.2026

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.P.(MD)No.8775 of 2025
in
C.M.A(MD)No.SR 34329 of 2025

Muthukumar

: Petitioner

Vs.

1.Murugan

2.Manikandan

3.Jeya Kumar

4.The Branch Manager,
United India Insurance Company Limited,
10/12, 1st Floor, CSC BSNL Building,
Oorkadu Road, Ambasamudram,
Tirunelveli District.

: Respondents

PRAYER in C.M.P(MD)No.8775 of 2025: Civil Miscellaneous Petition filed under Section 173(1)(g) of M.V Act, to condone the delay of 1889 days in filing the appeal against the award, dated 07.08.2017 in M.C.O.P.No.336 of 2011 on the file of the Motor Accident Claims Tribunal cum Additional Sub Court, Tenkasi.

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PRAYER in C.M.A (MD) SR No. 34329 of 2025 : Civil Miscellaneous Appeal filed under Section 173(1) of Motor Vehicles Act., against the award, dated 07.08.2017 in M.C.O.P.No.336 of 2011 on the file of the Motor Accident Claims Tribunal cum Additional Sub Court, Tenkasi.

For Petitioner : Mr.K.Esakki Durai,

For Respondent : Mr.T.Selvan, for R1 and R2.

: Mr.I Robert Chandra Kumar, for R4.

: No Appearance, for R3.

ORDER

The above application has been filed, invoking Section 173(1)(g) of Motor Vehicle Act, to condone the delay of 1889 days in filing the appeal, challenging the award passed in M.C.O.P.No.336 of 2011, dated 07.08.2017, on the file of the Motor Accident Claims Tribunal cum Additional Sub Court, Tenkasi.

2.The petitioner/claimant has laid the claim application M.C.O.P.No.336 of 2011, seeking compensation for the disability sustained by him consequent to an accident occurred on 03.05.2010. The respondents 1, 2



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and 4 contested the claim petition. After full trial, the Tribunal passed the order, dated 07.08.2017, dismissing the claim petition. Aggrieved by the dismissal of the claim petition, the claimant has preferred an appeal along with the above application to condone the delay of 1889 days in preferring the appeal.

3. The petitioner in the affidavit filed in support of the delay condonation petition has stated that due to the accident, he was not able to do any avocation and is in need of help of others; that he was unable to get any job and as such, he has no source of income; that he has been taking continuous treatment in so many hospitals till now; that he is still in distress and unable to overcome his situation both financially and emotionally; that after long time, he reached his advocate, who advised him to prefer an appeal ; that he was not able to mobilize funds for filing the appeal; that he met his counsel on 15.03.2025 and filed the appeal, but there occurred a delay of 1889 days in preferring the appeal; that the delay is neither willful nor wanton and that the petitioner will be put to irreparable loss and hardship, if the delay is not condoned.



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4. The fourth respondent has filed a counter affidavit raising serious objections to the condonation of delay. It is his specific case that the decree came to be passed on 07.08.2017 and that the petitioner has chosen to file the appeal only after a lapse of more than five years. According to the fourth respondent, the petitioner has not assigned any valid or acceptable reason for such an enormous delay and that, if the petition is allowed, the fourth respondent would be put to irreparable loss and hardship. Hence, he would contend that the petition for condonation of delay is liable to be dismissed.

5. No doubt, as rightly pointed out by the learned counsel for the fourth respondent and the learned counsel appearing for the respondents 1 and 2, the petitioner has not canvassed any acceptable or satisfactory explanation for the delay of 1889 days, which is undoubtably inordinate. Though the learned counsel on either side advanced certain submissions touching upon the merits of the proposed appeal, this Court is of the view that the same cannot be gone into, while deciding the present petition for condonation of delay.



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6.The learned counsel for the petitioner would place reliance on the decision of the Hon'ble Supreme Court in ***Parameshwar Subray Hegde v. New India Assurance Co. Ltd. and Another***, reported in **2025 (1) TN MAC 635 (SC)**, and contend that the Hon'ble Supreme Court, in the peculiar facts of that case, condoned a delay of 1,380 days in approaching the Apex Court against the orders of the High Court and, while doing so, directed that the claimant would not be entitled to interest for the period covered by the delay.

7. The learned counsel for the petitioner would also rely upon the order passed by the Hon'ble Division Bench of this Court in ***C.M.P(MD) No.8696 of 2025 in C.M.A(MD)SR No.30419 of 2025, dated 04.02.2026***, wherein, this Court condoned a delay of 2122 days in filing the appeal subject to certain conditions.

8. The learned counsel appearing for the fourth respondent would place reliance upon the decision of the Hon'ble Supreme Court in ***M/s. Sethia Infrastructure Pvt. Ltd. v. Mafatlal Mangilal Kothari and Others [S.L.P.(C) No.22195 of 2025]***, wherein the Hon'ble Apex Court set aside the order of the



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High Court and remitted the matter for fresh consideration of the delay condonation application. In the said case, the High Court had condoned a delay of 5,250 days in filing an application for restoration of a first appeal. While examining the correctness of the said order, the Hon'ble Supreme Court observed that, while considering an application for condonation of an inordinate delay, the Court must remain cognizant of the fact that time does not stand still and that, whenever a long delay is sought to be condoned, the possibility of third-party interests having intervened cannot be ignored. The Hon'ble Supreme Court further observed that the respondent therein had awakened from his "alleged slumber" at a stage when substantial developments had already taken place, inasmuch as the appellant/developer had entered upon the property and undertaken large-scale construction activities. However, the facts of the present case stand on an entirely different footing, since the proposed appeal arises out of an award passed under the Motor Vehicles Act.

9. It is well settled that the Motor Vehicles Act is a beneficial and welfare legislation intended to provide just and reasonable compensation to



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the victims of motor accidents and to the dependants of deceased victims.

Having regard to the object and purpose of the enactment, a liberal approach may be adopted in appropriate cases while considering applications for condonation of delay.

10. Considering the above facts and circumstances of the case and taking note of the fact that the proposed appeal is directed against the dismissal of a claim petition filed under the Motor Vehicles Act, this Court is of the view that the delay occurred is liable to be condoned, so as to afford the petitioner an opportunity to prosecute the appeal on merits. But at the same time, having regard to the quantum of delay, this Court is inclined to condone the delay on certain terms and conditions.

11. Accordingly, this petition is allowed subject to the following conditions;

(i) The petitioner shall not be entitled to get interest for the delayed period; and



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(ii) that the petitioner shall pay a cost of **Rs.3,000/- (Rupees Three Thousand only)** to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIB000H040], on or before **23.06.2026**, failing which, this petition shall stand dismissed automatically.

12. Post the matter on **24.06.2026** 'for reporting compliance'.

12.06.2026

NCC : Yes /No
Index : Yes / No
Internet : Yes / No
das



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K.MURALI SHANKAR.J.

das

To

- 1.The Motor Accident Claims Tribunal
cum Additional Sub Court, Tenkasi.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-delivery order made in
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