

C.M.P.(MD) Nos.3300 to 3302 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

C.MP(MD)Nos.3300 to 3302 of 2025

in

C.M.A(MD)SRNo.58841 to 58843 of 2019

C.M.P(MD)No.3300 of 2025

M/s.Rliance General Insurance,
Having Branch Office at
Sri Meenakshi Blaza,
1st Floor, Plot No HIG-55,
80 Feet Road,
Anna Nagar, Madurai District.

... Petitioner/Appellant

-Vs-

1.Divakar

Adopted son of K.Gurunathan @ Karpaga Gurunathan

2.R.Tamilselvam

3.M/s.Nexus Sign Exports (P) Ltd.,
8A, Tiny Sector,
Industrial Estate,
Chennai-97.

4.M/s.ICICI Lombard Motor Insurance
Zenith House, Keshavrao Khade Marg,
Mahalaxmi, Mumbai-400 034.

... Respondents/Respondents

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C.M.P.(MD) Nos.3300 to 3302 of 2025

PRAYER in C.M.P(MD)No.3300 of 2025: Petition filed under Order 4 Rule 9(4) of A.S.Rules, to condone the delay of 1961 days in representing the appeal in CMA(MD)SR No.58841 of 2019 filed against the judgment and decree dated 27.11.2018 passed in MCOP No.305 of 2011 on the file of the Motor Accident Claims Tribunal/Principal District Judge, Tiruchirappalli and taken the appeal into file.

PRAYER in C.M.A(MD)No.58841 of 2019: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 27.11.2018 passed in MCOP NO.305 of 2011 by the Motor Accident Claims Tribunal/Principal District Judge of Tiruchirappalli.

For Petitioner : Mr.V.Sakthivel
For R1 to R4 : Mr.V.Karuna

C.M.P(MD)No.3301 of 2025

M/s.Reliance General Insurance,
Having Branch Office at
Sri Meenakshi Blaza,
1st Floor, Plot No HIG-55,
80 Feet Road,
Anna Nagar, Madurai District.

... Petitioner/Appellant

-Vs-

1.D.Sri Priya

2.Minor S.Riya

3.Minor S.Sahana

4.S.Kalavthy

5.R.Tamilselvam

6.M/s.Nexus Sign Exports (P) Ltd.,
8A, Tiny Sector,
Industrial Estate,
Chennai-97.



C.M.P.(MD) Nos.3300 to 3302 of 2025

7.M/s.ICICI Lombard Motor Insurance
Zenith House, Keshavrao Khade Marg,
Mahalaxmi, Mumbai-400 034.

... Respondents/Respondents

PRAYER in C.M.P(MD)No.3301 of 2025: Petition filed under Order 4 Rule 9(4) of A.S.Rules, to condone the delay of 1961 days in representing the appeal in CMA(MD)SR No.58842 of 2019 filed against the judgment and decree dated 27.11.2018 passed in MCOP No.310 of 2011 on the file of the Motor Accident Claims Tribunal/Principal District Judge, Tiruchirappalli and taken the appeal into file.

PRAYER in C.M.A(MD)No.58842 of 2019: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 27.11.2018 passed in MCOP NO.310 of 2011 by the Motor Accident Claims Tribunal/Principal District Judge of Tiruchirappalli.

For Petitioner : Mr.V.Sakthivel
For R1 to R4 : Mr.V.Karuna

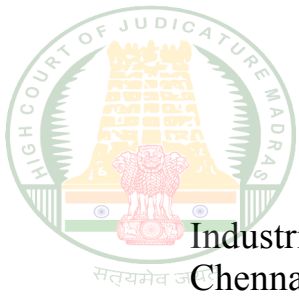
C.M.P(MD)No.3302 of 2025

M/s.Reliance General Insurance,
Having Branch Office at
Sri Meenakshi Blaza,
1st Floor, Plot No HIG-55,
80 Feet Road,
Anna Nagar, Madurai District.

... Petitioner/Appellant

-Vs-

- 1.R.Natarajan
- 2.N.Saravanan
- 3.N.Anitha
- 4.R.Tamilselvam
- 5.M/s.Nexus Sign Exports (P) Ltd.,
8A, Tiny Sector,



C.M.P.(MD) Nos.3300 to 3302 of 2025

Industrial Estate,
Chennai-97.

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6.M/s.ICICI Lombard Motor Insurance
Zenith House, Keshavrao Khade Marg,
Mahalaxmi, Mumbai-400 034.

... Respondents/Respondents

PRAYER in C.M.P(MD)No.3302 of 2025: Petition filed under Order 4 Rule 9(4) of A.S.Rules, to condone the delay of 1961 days in re-presenting the appeal in CMA(MD)SR No.58843 of 2019 filed against the judgment and decree dated 27.11.2018 passed in MCOP No.84 of 2011 on the file of the Motor Accident Claims Tribunal/Principal District Judge, Tiruchirappalli and taken the appeal into file.

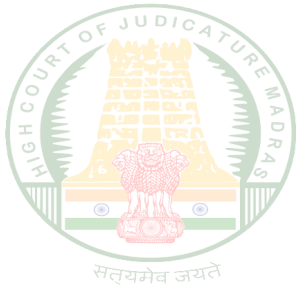
PRAYER in C.M.A(MD)No.58843 of 2019: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 27.11.2018 passed in MCOP NO.84 of 2011 by the Motor Accident Claims Tribunal/Principal District Judge of Tiruchirappalli.

For Petitioner : Mr.V.Sakthivel
For R1 to R4 : Mr.V.Karuna

COMMON ORDER

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

These applications are filed to condone the delay of 1961 days in re-presenting the appeals in C.M.A(MD)SR Nos.58841 to 58844 of 2019.



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2.The appeals are directed against the award passed by the Motor Accident Claims Tribunal/Principal District Judge of Tiruchirappalli, in MCOP Nos.305, 310 and 84 of 2011, dated 27.11.2018.

3.The accident has taken place on 23.12.2009 at about 05.15 p.m at Nagamangalam, Madurai to Trichy National Highways, three persons travelling in the car died due to collusion with a lorry parked on the road side. The Tribunal, on considering the evidence, has passed an award on 27.11.2018.

4.Being aggrieved, the Insurance Company which has indemnified the lorry owner has preferred the appeals with defects particularly with deficit Court fee in C.M.A(MD)Nos.58841 to 58843 of 2019 citing COVID Pandemic and other reasons, the appeal papers were not re-presented in time thereby delay of 1961 days has caused.

5.This Court, while considering the reasons stated in the condone delay applications, find that the appeals were filed well before the break down of Pandemic. The appellant is not an ordinary litigant, but the Insurance Company with all wherewithal and financial power. Despite that the appeals not filed with proper Court fee.



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6. That apart, after the return of the appeals for want of Court fee, the same were not re-presented in time. It has taken six years to re-present the same.

Therefore, this Court finds no satisfactory reasons to condone the delay in re-presenting the appeals. Even otherwise, on perusing the award, this Court finds that the award passed by the Tribunal does not warrant any interference. There is no element of negligence on the part of the claimant/driver or an excessive award. Hence, these applications stand dismissed. Consequently, connected Civil Miscellaneous Appeals are also rejected at SR stage. No costs.

[G.J., J.] & [R.P., J.]

28.02.2025

NCC : Yes / No

Index : Yes / No

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To

1. The Motor Accident Claims Tribunal/
Principal District Judge,
Tiruchirappalli.



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DR.G.JAYACHANDRAN, J.

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