

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
PERAMBALUR, STATE OF TAMILNADU.

Present: Thiru.V.Padmanabhan, M.A., M.L., D.H.,
Principal District Judge.

Thursday, this the 4th day of September, 2025.

I.A.No.1/2024
in
M.C.O.P.No.163/2024

1. Saroja
2. Venkatesan
3. Periyasamy
4. Sathishkumar.

... Petitioners.

- Vs -

Venkatesan

... Respondent.

This petition is coming up for final hearing before me on 28.08.2025 in the presence of Thiruvalargal. J. Jayarajinikumar and N. Arunprasath, counsel appearing for the petitioners and Thiru.S. Arunan, counsel appearing for the respondent; upon perusing the petition, counter and documents and after hearing the arguments on both sides, this Court has passed the following:

ORDER

The petition is filed under section 5 of Limitation Act to condone the delay of 412 days in filing the claim petition for the death of one Varadharaj.

2. The brief averments of the affidavit appended to the petition are as follows:-

The 1st petitioner is the mother of petitioners 2 to 4. Her husband namely Varadharaj died in a motor vehicle accident on 09.09.2022. On 24.04.2024, she filed claim petition before this Court seeking compensation of Rs.50 Lakhs from the respondent and the said petition was returned for the reason that the petition was not filed in time and delay condonation petition was not filed. The reason for the delay is that because of living in rural area, illiteracy and did not know the legal position, the delay was occurred. The delay is neither willful nor wanton. If this petition is not allowed, they will be put to irreparable loss and hardship. Hence this petition.

3. The brief averments in the counter filed by the respondent/plaintiff is as follows:-

The delay is huge and reasons stated in the petition is not acceptable and it is not supported by any evidence. The petitioner has no locus standi to file this petition. There is no provision to condone delay in original proceedings and limitation act is not applicable in this proceedings. The time limit prescribed by the amended Act is mandatory one and it is not condonable. The each and every day delay must be explained with proper evidence. Hence, the petition may be dismissed.

4. During the enquiry, no evidence was adduced and no documents were marked on both sides.

5. Point for consideration:-

Whether the petition has to be allowed as prayed for?

Point:

6. This petition is filed to condone the delay of 412 days in filing an claim application seeking compensation for the death of one Varadharaj. The reason for the delay stated by the petitioners is that since they are living in rural area, lack of education and did not know about the legal position, the delay of 412 days occurred. The respondent contended that the each and every day delay was not explained by supporting any evidence.

7. From perusal of records, it reveals that petitioners are living in remote village. In such circumstances, the said reason stated by the petitioners is quite natural and believable one. Considering the nature of main petition, with a view to give an opportunity to the petitioner and in the interest of justice, this Court comes to the conclusion that this petition is allowed and the point is answered accordingly.

8. In the result, this petition is allowed. No cost.

Dictated to the Executive Assistant, transcribed and typed by her in computer, corrected and pronounced by me in open Court, this the 4th day of September, 2025.

Principal District Judge,
Perambalur.

PDJ Court,
Perambalur.

Fair/Draft Order
I.A.No.1/2024
in
M.C.O.P.No.163/2024
D.D: 04.09.2025.