

ITEM NO.23

COURT NO.5

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Civil)...../2012
CC 8522/2012(From the judgement and order dated 09/07/2009 in CMA No.511/2002,
of The HIGH COURT OF MADRAS AT MADURAI)

M.D. T.NADU STATE TRANSPORT CORP.

Petitioner(s)

VERSUS

M.MALARVIZHI & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 09/05/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. M. Anbalagan, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

This petition is directed against judgment dated 9.7.2009 of the Madras High Court, Madurai Bench, whereby the appeal preferred by the claimants was allowed and the compensation determined by the Motor Accident Claims Tribunal was enhanced from rupees 4.6 lakhs to rupees ten lakhs four thousand.

The petitioner has also filed an application for condonation of 913 days delay in filing the special leave petition.

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We have heard Shri M. Anbalagan, learned counsel for the petitioner and perused the record.

In paragraph 3 of I.A. No.1 of 2012 filed by the petitioner for condonation of delay, the following averments have been made:

"3. That, the Hon'ble High Court passed the final judgment and order dated 09.07.2009 and the same was received and sent for legal opinion and for the approval to the Legal Department for the purpose of approval on circulation. The Government Pleader granted Legal opinion to prefer Special Leave Petition and on the basis of which the Government of Tamil Nadu gave approval to file the Special Leave Petition. Once the legal opinion and approval has been obtained the Petitioners herein immediately took steps for filing this Special Leave Petition. Therefore there occasioned some delay in filing the SLP. The delay is neither willful nor want on only due to above said reasons."

In our view, the explanation given by the petitioner for delayed filing of the special leave petition is wholly unsatisfactory and there is no valid ground much less justification for exercise of power by this Court under Section 5 of the Limitation Act, 1963.

Even on merits, we are satisfied that the reasons assigned by the High Court for enhancing the compensation determined by the Tribunal do not suffer from any legal infirmity warranting interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed on the ground of delay and also on merits.

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(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master