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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CMP No. 16934 of 2026
in CmA.SR.No.61160/2019

1. A.John Victor (Deceased) 1. Suseela
   Res. at No.1, Balan Kudil,
   Jayapriya Nagar,
   Vadalur,
   Cuddalore District-303.

   (Cause Title Accepted vide order of court dated 15.06.2026 made in CMP 13170/2026 in CMA SR 61160/2019 ADJCJ)
2. Jerome
   Res. at No.1, Balan Kudil,
   Jayapriya Nagar,
   Vadalur,
   Cuddalore District-30.

3. Julian
   Res. at No.1, Balan Kudil,
   Jayapriya Nagar,
   Vadalur,
   Cuddalore District-30.

..Appellant(s)

Vs

Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Rep. by its Managing Director,
Valudreddy,
Villupuram.

..Respondent(s)

To Condone the delay of 2383 days in the representing the above Civil Miscellaneous Appeal SR No.61160/2019 and thus render justice.

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For Appellant(s): Krishnasamy R.
V.Ajoy Khose
S.Manogaran
H.Nandhini
G.K.Dharshini
G.Vijay Priyan
R.Bhagathsingh

For Respondent(s): M/s.C.R.Sureshkumar
For Sole Respondent
Vide Court Order Dt.04.08.2026

ORDER

(1) The petition is filed to condone the delay of 2383 days in representing the appeal papers.

(2) The petitioner, in her affidavit, states that her husband who was employed as a driver in the respondent/Transport Corporation, met with an accident on 31.07.2008, and injured his right hand and left leg. The petitioner further states that her husband filed WC.No.336/2021, before the Commissioner for Workmen Compensation-II, Chennai-6, claiming compensation of Rs.4,06,656/-, for the injuries sustained by him in the said accident and that the Commissioner, by order dated 12.10.2017, partly allowed the claim petition by granting a compensation of Rs.2,03,328/-. The petitioner states that aggrieved by the order passed by the Commissioner for Workmen Compensation, the petitioner's husband preferred an appeal in the year 2019, however, the appeal papers were returned. The petitioner states that her husband died on 29.10.2023, without representing the papers. The petitioner further states that she had

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no knowledge of the filing of CMA by her husband and that, with the help and guidance of the Cuddalore District CITU Secretary, she came to understand that her husband had filed the appeal. The petitioner states that with the aid of the District Secretary, she contacted the counsel at Chennai and got the particulars and thereafter, represented the appeal papers with the delay of 2383 days. The petitioner states that the delay in representing the appeal is neither wilful nor wanton, but due to the *bona fide* reasons stated therein.

(3) The respondent/Corporation has filed a counter denying the averments made in the affidavit. The respondent in its counter, has stated *inter alia*, that the petitioner failed to show any genuine and good cause for the enormous delay. The respondent stated that the amount awarded by the learned Commissioner, has already been deposited and that the petitioner was dragging on the proceedings without any reasons. The respondent therefore prayed to dismiss the petition.

(4) Heard both sides and perused the materials placed on record.

(5) No doubt, the delay in representation is enormous. The petitioner states that she had no knowledge of the filing of the appeal by her husband, that it was only after his death that she came to know of the appeal and that, with the help of the Cuddalore District CITU Secretary, she contacted the counsel at Chennai and thereafter represented the papers. I find that the explanation for the delay is a plausible explanation and nor mere excuse.

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(6) Further, if the period between 15.03.2020 to 28.02.2022, which stood excluded by the judgment of the Hon'ble Supreme Court in ***In Re Cognizance for Extension of Limitation,*** reported in ***2022 [3] SCC 117***, is taken into consideration, the delay will stand drastically reduced.

(7) Be that as it may, under the facts and circumstances of the case, I am of the view that the delay can be condoned subject to the following conditions:-

> *[a] The delay of 2383 days is* ***condoned subject to the condition that the petitioner deposits a sum of Rs.3,000/- [Rupees Three Thousand only] to ''The Kanchi Kamakoti Childs Trust Hospital at Nungambakkam, Chennai-600 034, [Bank Name: ICICI Bank, Branch:-Nungambakkam Branch, Bank Account Name: The Childs Trust, Bank Account Number:- 00901008171, IFSC Code:- ICIC0000009]'' on or before 23.11.2026.***
>
> *[b]The petitioner shall not be entitled to interest for the delay period of 2383 days in representing the papers.*

(8) Accordingly, the petition is ***allowed.***

(9) Post the matter on ***23.11.2026 for reporting compliance.***

11-11-2026

AP

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N.MALA, J.

AP

To
The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Valudreddy,
Villupuram.

CMP No. 16934 of 2026
in
CMA.SR.No.61160 of 2019

11-11-2026

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