



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

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CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

CMP No. 17092 of 2026 and CMP No. 21532 of 2024
in CMA SR No. 48957 of 2024

Shree Madhe.S

(As per Doctor Certificate Intermittent
Frontal dis-inhibited behavior, Memory
deficits) Rep by her next
friend/husband of petitioner M. Subash)

Petitioner/Appellant in all cases

Vs

1. M.Ganesamoorthy

2.The New India Assurance Co.Ltd.,
No.223, T.P. Claim Hub, Bombay
Mutual Buildings, 6th Floor, NSC Bose
Road, Chennai 600001.

Respondent in all cases

CMP No. 17092 of 2026

PRAYER

To set aside the order passed in CMP.No.21532 of 2024 in CMA.SR.48957 of 2024 which was dismissed for default on 22-10-2024 and restore the case on file.

CMP No. 21532 of 2024

PRAYER

To condone the delay of 115 days in representing the above CMA Sr.No.48957 of 2024.

CMA SR No. 48957 of 2024

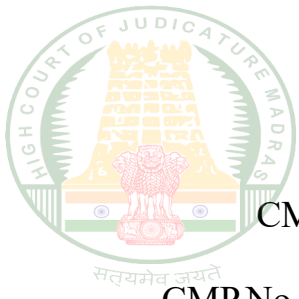
PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act against the Award dated 18.10.2023 made in MCOP.No.3252 of 2017 on the file of the learned Special Sub Judge No.II, Court of Small Causes, Chennai

For Appellant:

Mr.C.Prakasam

ORDER

(Order of the Court was made by N.Sathish Kumar J.)



CMP.No.17092 of 2026 has been filed to set aside the order passed in CMP.No.21532 of 2024 in CMA.SR.No.48957 of 2024 which was dismissed for default on 22-10-2024 and restore the case on file.

CMP.No.21532 of 2024 has been filed to condone the delay of 115 days in representing the above CMA Sr.No.48957 of 2024.

2. Originally, CMP.No.21532 of 2024 was ordered on 22.10.2024 condoning the delay in representing the appeal, subject to payment of costs of Rs.1,000/- on or before 05.11.2024 and it was also directed that if the cost is not paid on or before 05.11.2024, the CMP would stand dismissed with further reference to this Court. Since, the petitioner did not pay the costs as ordered by this Court, now, the petitioner has come up with this petition challenging the order dated 22.10.2024 which stands dismissed as default and also seeking condonation of the delay in representing the above appeal.

3.The delay in payment of costs as ordered by this Court occurred because the petitioner's counsel did not communicate regarding costs. Furthermore, the petitioner could not track the proceedings as he was preoccupied with attending to his wife, who is undergoing medical treatment for memory deficits and frontal disinhibited behaviour. However, when the petitioner came to know about the costs were not paid, immediately, he has filed



the petition in CMP.No.17092 of 2026 seeking to restore the petition in CMP.No.21532 of 2024 which is filed to condone the delay in representing the above appeal.

4. Since the question of condonation of delay in representation is between the Court and the petitioner/appellant, notice to the respondents is dispensed with. Considering the facts and circumstances of the case, this Court is of the view that the explanations offered by the petitioner in view of this Court is satisfactory and the petitioner has shown sufficient cause for restoring the petition for condonation of delay as well as condoning the delay in representing the appeal. Accordingly, these petitions are ordered. Registry is directed to number the appeal, if it is otherwise in order.

(N.SATHISH KUMAR J.)(M.JOTHIRAMAN J.)
24-07-2026

dhk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The New India Assurance Co.Ltd.,
No.223, T.P. Claim Hub, Bombay
Mutual Buildings, 6th Floor, NSC
Bose Road, Chennai 600001.



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CMP No. 17092 of 2026



**N.SATHISH KUMAR J.
AND
M.JOTHIRAMAN J.**

dhk

**CMP No. 17092 of 2026
and CMP No. 21532 of
2024,CMA SR No. 48957
of 2024**

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