



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CMP(MD) No.7476 of 2016
IN
CMA(MD) No.SR35054 of 2008

S.SURESHKUMAR, ... PETITIONER/PETITIONER/APPELLANT.

Vs

1 K.A.ANWAR BASHA,

2 THE NEW INDIA ASSURANCE CO. LTD.,
HAVING ITS OFFICE AT D.NO.242-B,
KAMARAJAR SALAI,
MADURAI THROUGH ITS DIVISIONAL MANAGER.

1ST RESPONDENT EXPARTE IN THE LOWER COURT.

... RESPONDENTS/RESPONDENTS/RESPONDENTS.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore M.P.(MD)No.1 of 2008 in CMA(MD)SR.No.35054 of 2008 dismissed for default on 16.12.2008 against the Judgment and Decree in MCOP No.2601 of 2002 on the file of Motor Accident Claims Tribunal, III Additional District and Sessions Judge (PCR), Madurai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.GODWIN, Advocate for the petitioner and of M/S.B. VIJAY KARTHIKEYAN, Advocate on behalf of the 2nd Respondent, the court made the following order:-

The petition has been filed to restore M.P.(MD) No.1 of 2008 in C.M.A.(MD) No. SR. 35054 of 2008.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the second respondent and perused the records.

3. It is represented by the learned counsel for the petitioner that M.P.(MD) No. 1 of 2008 was allowed on condition that the petitioner shall pay the cost of Rs.300/- (Rupees three hundred only) to the other side. The said condition was complied with and a proof was also filed on 19.12.2008. However, the Registry could not trace the papers and consequently, M.P.(MD) No. 1 of 2008 was dismissed on 16.12.2008. In the above circumstances, the delay has occurred.



4. Having satisfied with the averments stated in the affidavit filed in support of the petition, the delay is condoned and the petition is allowed.

sd/-
12/08/2016

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, (PCR)
MADURAI.

ORDER
IN
CMP (MD) No.7476 of 2016
IN
CMA (MD) No.SR35054 of 2008
Date :12/08/2016

AM/SK.SKN/SAR-I/18.08.2016/2P/2C