



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

Tuesday, the Fourteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.10434 of 2017
IN
CMA(MD) No.204 of 2007

THE BRANCH MANAGER
THE NEW INDIA ASSURANCE CO.LTD,
402- TENKASI ROAD,
RAJAPALAYAM.

... PETITIONER/APPELLANT

Vs

1 AJAY
2 T. MARIAPPAN

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order substituted service for the 1st Respondent and thus render justice.

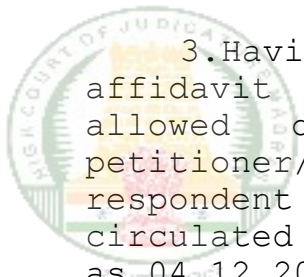
PRAYER IN CMA(MD)NO.204/2007 :

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, against the Fair and decreetal order date 30.06.2006 made in M.C.O.P.No.80 of 2003 on the file of the Motor Accident Claims Tribunal -Sub-Judge, Srivilliputhur.

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.K.ELANGO VAN, Advocate for the petitioner and 1st Respondent not appeared in person or by advocate the court made the following order:-

The Branch Manager, New India Assurance Co.Ltd., has filed a petition for substituting the service of the R1 in C.M.A.(MD)No.204 of 2007 and C.M.P.(MD)No.10434 of 2017.

2.The learned counsel appearing for the petitioner/appellant would submit that they filed paid Batta to serve notice to the first respondent, whereas the first respondent evading the service of notice from this Court willfully and intentionally and hence, they were not able to bring the matter for further disposal. Hence it is just and necessary that the first respondent has to be served, notice, through the mode of substituted service, otherwise the petitioner/appellant will be put to irreparable loss and hardship.



3. Having been satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed directing the learned counsel appearing for the petitioner/appellant to effect paper publication on the first respondent in any one of the local Tamil Daily News Paper being circulated in that area, by duly indicating the date of next hearing as 04.12.2017.

WEB COPY

4. The said exercise shall be completed on or before 30.11.2017 and the proof of paper publication should be filed before the Registry.

5. Post on 04.12.2017 for hearing.

sd/-
14/11/2017

/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE
MOTOR ACCIDENT CLAIMS TRIBUNAL,
SRIVILLIPUTHUR.

COPY TO : MR.K.ELANGOVAN, ADVOCATE,
S/O.KARUPPANA GOUNDER,
OFFICE AT -43 LAW CHAMBERS
HIGH COURT BENCH AT MADURAI.

PSD
PK/RR/SAR-2-24.11.2017-2P-3C

ORDER
IN
CMP(MD) No.10434 of 2017
IN
CMA(MD) No.204 of 2007
Date :14/11/2017