



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

Monday, the Twenty Seventh day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.10852 of 2017
IN CMA(MD) No.39 of 2008

MINOR R.ARAVIND
REP.BY HIS FATHER AND
NATURAL GUARDIAN,

... PETITIONER/APPELLANT

Vs

MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION,
BYE PASS ROAD, DINDIGUL DISTRICT.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to declare the petitioner as a major and permit me to prosecute the above Civil Miscellaneous Appeal i.e. CMA(MD)No. 39 of 2008 .

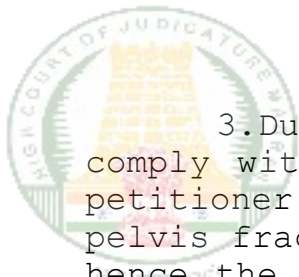
Prayer in CMA(MD). 39/ 2008 :

To set aside the Judgment and Decree dated 07.01.2005 and made in MCOP.1333/2002 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate) Madurai and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.C.JEGANATHAN for M/S.VEERA ASSOCIATES, Advocate for the petitioner and of MR.M.PRAKASH, Advocate for the Respondent the court made the following order:-

The learned counsel for the petitioner would submit that the minor R.Aravind was represented by his father and natural guardian, namely, Rajangam met with an accident on 08.11.2000 at Theni District. While he was 4 years old, his father sought for compensation and filed M.C.O.P petition seeking payment of compensation against the respondent herein and the Tribunal has awarded only a sum of Rs.72,000/- as compensation.

2.Against the award, his father has preferred an appeal in C.M.A.(MD).No.39 of 2008 before this Court, seeking for enhancement of the award of compensation and other reliefs. The said appeal was dismissed on 02.12.2008 and the same was allowed on 18.12.2009 with a condition to pay a sum of Rs.500/- to the Tamil Nadu Advocates Welfare Fund Chennai within a period of two weeks.



3. Due to the accident, the petitioner's father could not comply with the condition as ordered by this Court since the said petitioner was taking treatment due to the fracture of public bone of pelvis fracture of perineal portion urine and fracture of pelvic and hence the petitioner needs an assistant for day to day life and in such circumstances, his father took the petitioner to Kerala for natural treatment neither petitioner nor his father was able to contact their counsel to know the status of the appeal. Only after a month he filed a restoration petition and the same was dismissed. Again during the year 2017, his father filed a restoration petition seeking for restoration of the appeal by explaining all the difficulties he was facing consequent upon the petitioner's accident and the restoration petition was allowed with a condition to pay Rs.2000/- towards the Chief Justice Welfare Fund. The said order was complied with more fully both the conditions of payment of fine amount and the appeal was also restored by this Court.

4. He further submitted that while filing the restoration petition, the petitioner became a major and the said fact was not brought to the notice of this Court. In this connection the petitioner states that his date of birth is 15.01.1997. At present the petitioner's age is about 20 years. Hence he prays to declare the petitioner as a major and permit him to prosecute the appeal in C.M.A. (MD). No.39 of 2008.

5. In view of the above submission made by the learned counsel for the petitioner, this petition is allowed.

sd/-

27/11/2017

/ TRUE COPY /

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE
MOTOR ACCIDENT CLAIMS TRIBUNAL, MADURAI

2 THE SECTION OFFICER,
ACCOUNT SECTION, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER

IN

CMP (MD) No.10852 of 2017

IN

CMA (MD) No.39 of 2008

Date : 27/11/2017