



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

Thursday, the Sixteenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) Nos.10737 to 10739 of 2016

IN

CMA(MD) No.SR25706 of 2013

UNITED INSURANCE COMPANY
REPRESENTED BY ITS BRANCH MANAGER,
BRANCH OFFICE,
NAGERCOIL.

... PETITIONER/PETITIONER/
APPELLANT
IN ALL THE PETITIONS

Vs

1 FRANCIS (DIED)
2 ABILASH
3 NAVINKUMAR SINGH
4 MARIYA SORNAM
5 MARIA STELLA
6 MARIA CHAKKIAN
7 THANGA LEELA
8 MOHAN

... RESPONDENTS/RESPONDENTS/RESPONDENTS

... PROPOSED RESPONDENTS 4 TO 8/
Lrs OF THE 1ST RESPONDENT

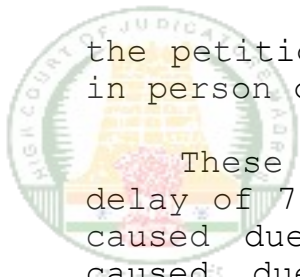
Prayer in CMP(MD). 10737/ 2016 : Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 783 days in filing the petition to set aside the abatement caused due to the death of 1st respondent in Civil Miscellaneous Appeal.

Prayer in CMP(MD). 10738/ 2016 : To set aside the abatement caused due to the death of 1st respondent in Civil Miscellaneous Appeal.

Prayer in CMP(MD). 10739/ 2016 : To bring on records the respondents 4 to 8 herein, as the legal representatives of the deceased 1st respondent and rank them as respondents 4 to 8 in the Civil Miscellaneous Appeal.

Prayer in CMA(MD) No.SR25706 of 2013:- Memorandum of Civil Miscellaneous Appeal against the judgment and decree in M.C.O.P.No.25 of 2010 on the file of Motor Accident Claims Tribunal, (Sub Judge) Padmanabhapuram dated 19.11.2012.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MRS.VIJAYAKUMARI NATARAJAN, Advocate for



the petitioner in all the petitions and the respondent not appeared in person or by an advocate, the court made the following order:-

These Miscellaneous Petitions have been filed to condone the delay of 783 days in filing the petition to set aside the abatement caused due to the first respondent; to set aside the abatement caused due to his death; and to bring on record his legal representatives.

2. Heard the learned counsel for the petitioners. Though notice was served on the respondents and their names are printed in the cause list and there is no representation for the respondents either in person or through counsel.

3. Having been satisfied with the reasons assigned in the affidavit filed in support of the Miscellaneous Petitions and also the submission made by the learned counsel for the petitioner, CMP (MD) No.10737 of 2016 is ordered and the delay of 783 days in filing the petition to set aside abatement, is condoned on payment of cost of Rs.1000/- (Rupees One Thousand only) to the Rojavanam Homeless & Aged Care Centre, Melur Road, Uthangudi, Madurai, within a period of one week from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically, without further reference to this Court. Consequently, CMP (MD) Nos.10738 & 10739 of 2016 are also ordered.

4. Registry is directed to number the CMA., and carry out necessary amendments in the cause title and post the CMA., in the usual course.

sd/-
16/03/2017

/ TRUE COPY /

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

TO
THE MOTOR ACCIDENT CLAIMS TRIBUNAL, (SUBORDIATE JUDGE),
PADMANABHAPURAM.

COPY TO: THE OFFICER INCHARGE,
ROJAVANAM HOMELESS & AGED CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI.

ORDER
IN
CMP (MD) Nos.10737 to 10739 of 2016
IN
CMA (MD) No.SR25706 of 2013
Date :16/03/2017

AM/SSS

CSL/BS/SAR-II/23.03.2017 :2P/3C