



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

Tuesday, the Eleventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.3249 of 2017

IN

CMA(MD) No.SR14272 of 2017

SARAVANAN

... APPELLANT/PETITIONER

Vs

1 M. MAHESH

2 T. SATHEESH KUMAR

3 THE MANAGING DIRECTOR

THE NEW INDIA ASSURANCE CO.LTD.,

REP BY BRANCH MANAGER,

NAGERCOIL VILLAGE,

AGASTHEESWARAM TALUK,

KANYAKUMARI DISTRICT.

... RESPONDENTS/RESPONDENTS

(1st & 2nd RESPONDENT STOOD EXPARTE BEFORE THE TRIBUNAL)

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 424 days in filing the above CMA(MD) SR14272/2017.

PRAYER IN CMA(MD) No.SR14272 of 2017:

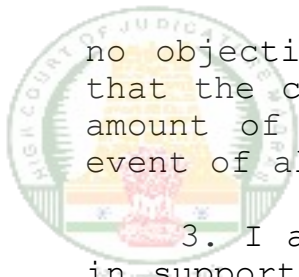
enhance the compensation by modifying the award dated 28.10.2015 passed in M.C.O.P.No.7 of 2015 on the file of the Motor Accidents Claims Tribunal cum Special Judge Nagercoil, in so far as it related to the enhancement of compensation as awarded is concerned, by allowing the Civil Miscellaneous Appeal and to grant such other relief or reliefs that this Honourable Court may deem fit and proper in the circumstances of the case 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 M/S.G.ARAVINTHAN, Advocate for the petitioner and of MR.A.ILANGO, Advocate for R3 and R1 & R2 not appearing either in person or by an advocate, the court made the following order:-

Heard the learned counsel appearing for the petitioner/appellant and the learned counsel appearing for the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The learned counsel appearing for the third respondent has



no objection for allowing this petition. However, he would submit that the claimant is not entitled to any interest for the enhanced amount of compensation for the aforesaid period of delay, in the event of allowing this appeal.

3. I am satisfied with the reasons found in the affidavit filed in support of this petition. Hence, the delay is condoned and this petition is ordered. If the papers are otherwise in order, the Registry is directed to number and list the matter for admission. However, it is made clear that the petitioner/claimant is not entitled to any interest for the enhanced amount of compensation for the aforesaid period of delay, in case, any enhancement is made in this appeal.

sd/-
11/07/2017

/ TRUE COPY /

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

TO

1 THE SPECIAL JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
NAGERCOIL

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

ORDER
IN
CMP (MD) No.3249 of 2017
IN
CMA (MD) No.SR14272 of 2017
Date :11/07/2017

SMA/RR-BS/SAR-3/14.07.2017:2P/3C