



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

C.M.P (MD) No.4858 of 2017

in

Cros.OBJ(MD) No.SR.12690 of 2017

and

Cros.OBJ(MD) No.SR.12690 of 2017

1.Menaka

2.Sankar Ganesh

.. Petitioners / Petitioners

Vs.

1.The Branch Manager

United India Insurance Company Ltd.,

Kaveri Nagar, Kulithalai,

Trichy District.

2.Chinnmalaiyan

.. Respondents / Respondents

PRAYER in C.M.P (MD) No.4858 of 2017:- Petition has been filed under Section 173(1) of M.V.Act, to condone the delay of 85 days in filing the above Cross Objection in C.M.A(MD).No.1109 of 2016 against the judgment and decree in M.C.O.P.No.107 of 2012 on the file of the Motor Accident Claims Tribunal / Sub-Court, Kulithalai dated 04.03.2016.

Prayer in Cros.OBJ(MD) NoSR.12690 of 2017:- Cross Objection is filed under Order 41 Rule 22(1) of Code of Civil Procedure, to allow this Crol.Obj made in C.M.A.(MD).No.1109 of 2016 and modify the judgment and decree in M.C.O.P.No.107 of 2012 on the file of the Motor Accident Claims Tribunal / Sub-Court, Kulithalai dated 04.03.2016.

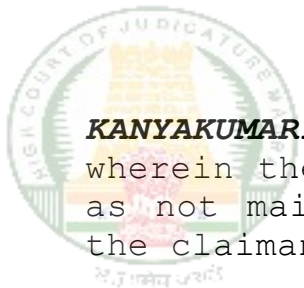
Prayer in CMA(MD). 1109/ 2016 :

Civil Miscellaneous Appeal has been filed against the fair and decreetal order dated 04.03.2016 made in MCOP.No.107/2012 on the file of the Motor Accident Claims Tribunal (Sub Court), Kulithalai, for enhancement of compensation.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.B.Rajesh Saravanan

ORDER



KANYAKUMARI DISTRICT V.SALAT MARY reported in **(2004)2 M.L.J.335**, wherein the appeal filed, challenging the liability, was dismissed as not maintainable stating that if the liability is challenged, the claimants cannot file a cross objection for enhancement.

2. In view of the above, this petition is dismissed. Consequently, Cros.Obj(MD)No.SR.12690 of 2017 is also dismissed with liberty to the appellant/claimant to file a Civil Miscellaneous Appeal instead of Cross Objection. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. Motor Accident Claims Tribunal / Sub-Court, Kulithali.
2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

RJ2

VB/SKN/RSK/SAR1/25/10/2017/2P/3C

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