



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.6135 of 2017
IN
CMA(MD) No.SR11439 of 2013

MARY PACKIAM

... PETITIONER/PETITIONER/APPELLANT

Vs

1 JAYAKRISHNAN

2 NEW INDIA ASSURANCE COMPANY LTD.,

T.NAGAR, CHENNAI BRANCH

REPRESENTED BY ITS BRANCH MANAGER ... RESPONDENTS/RESPONDENTS/
RESPONDENTS

(THE FIRST RESPONDENT HEREIN HAS BEEN
GIVEN UP IN THIS M.P AS WELL AS C.M.A)

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 112 days in filing the application to restore the order of dismissal dated 25.10.2016 made in M.P.No.1 of 2013 in the above Civil Miscellaneous Appeal.

Prayer in MP(MD)No.1 of 2013 in CMA(MD) No.SR11439 of 2013:-

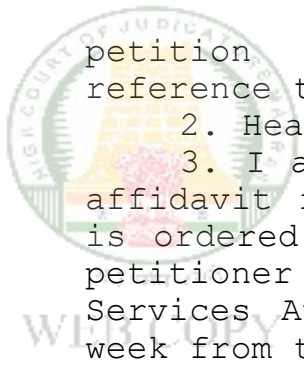
To condone the delay of 39 days in preferring the above Civil Miscellaneous Appeal.

Prayer in CMA(MD) No.SR11439 of 2013:-

Civil Miscellaneous Appeal preferred by the appellant above named against the decree and judgment dated 05.10.2012 passed in M.C.O.P.No.97 of 2011 on the file of the Motor Accident Claims Tribunal/First Additional District Judge, Thoothukudi, dismissing the claim petition in so far as second respondent is concerned.

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.N.SUBRAMANIAN, Advocate for the petitioner/appellant and of MR.ELANGO, Advocate for R2, the court made the following order:-

The petitioner is the claimant. This Court, by an order dated 25.10.2016, allowed the condone delay petition and directed the petitioner to pay a sum of Rs.500/- as cost to the Legal Services Authority attached to this Bench and if the cost is not paid, the



petition shall stand dismissed automatically without further reference to this Court.

2. Heard the learned counsel for the petitioner.

3. I am satisfied with the reasons found in paragraph-6 of the affidavit filed in support of this petition. Hence, this petition is ordered and the MP(MD)No.1 of 2013 is restored to file and the petitioner is directed to pay a sum of Rs.500/- as cost to the Legal Services Authority attached to this Bench within a period of one week from the date of receipt of a copy of this order.

4. On payment if the papers are otherwise in order, the Registry is directed to number and list the matter for admission after one week.

sd/-

11/07/2017

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL/FIRST ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI.

Copy To: The Officer Incharge,
Legal Aid Services Authority,
Madurai Bench of Madras High Court, Madurai.

CSL/CM-MSA/SAR-I/17.07.2017 : 2P/3C

ORDER

IN

CMP(MD) No.6135 of 2017

IN

CMA(MD) No.SR11439 of 2013

Date :11/07/2017