



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

Tuesday, the Fifth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.8083 of 2017
IN
CMA(MD) No.SR795 of 2016

THE EXECUTIVE ENGINEER,
TWAD BOARD, RWS DIVISION,
ERODE-1.

... PETITIONER/PETITIONER/APPELLANT

Vs

1 C.SIVAKUMAR

2 R.BALASUBRAMANIAN

3 UNITED INDIA INSURANCE COMPANY LTD.,
280, OOTY MAIN ROAD, METTUPALAYAM,
COIMBATORE DISTRICT .

4 N.KALIDAS

5 NATIONAL INSURANCE CO.LTD.,
88, BYPASS ROAD,
DHARMAPURAI-636 701.

... RESPONDENTS/RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the CMP(MD).No.1555 of 2017 in CMA.SR.No.795 of 2016 dated 28/04/2017.

PRAYER IN CMA(MD) No.SR.795 of 2016:-

to modify the judgment and decree passed in MCOP.No.123 of 2012 by the Learned Motor Accident Claims Tribunal, The Principal Subordinate Judge, Karur, dated 05.04.2013 in as much as the quantum of the compensation is concerned and enhance the compensation to a sum of Rs.1,96,000/- and pass any such further or other orders as this Honourable Court.

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.PORKODI KARNAN, Advocate for the petitioner and of Mr.R.KARUNANIDHI, Advocate for R2, the court made the following order:-

Heard both sides.

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

2. By order dated 28.04.2017, this Court directed the



petitioner to pay a sum of Rs.1,000/-to the Indian Bank Account, Madurai Bench of Madras High Court, for the purpose of removal of Seemai Karuvelam trees.

3. The learned Counsel for the petitioner expresses her inability to pay the amount to the above account.

4. I am satisfied with the reasons found in the affidavit filed in support of this petition. Hence, this petition is allowed and CMP (MD)No.1555 of 2017 in CMA SR.No.795 of 2016 is restored to file on condition that the petitioner shall deposit a sum of Rs.1,000/- (Rupees One Thousand Only) to the Legal Aid Service Authority, attached to this Bench, within a period of one week from the date, the copy of this order, is made ready, failing which, this petition shall automatically be dismissed without further reference to this Court.

sd/-
05/09/2017

/ TRUE COPY /

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

TO

THE PRINCIPAL SUBORDINATE JUDGE,
KARUR

COPY TO:-

THE AUTHORIZED OFFICER,
LEGAL AID SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

JAM/07.09.17/RR-BS/SAR 1 / 2P-3C

ORDER
IN
CMP (MD) No.8083 of 2017
IN
CMA (MD) No.SR795 of 2016
Date :05/09/2017