



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

Thursday, the Thirtieth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM  
and

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.7654 of 2016

IN

CMA(MD) No.SR45376 of 2011

NATIONAL INSURANCE COMPANY LIMITED,  
PROMANEDE ROAD, CONTONMENT,  
TRICHY -1

... PETITIONER / APPELLANT

Vs

1 MANJULA

2 MINOR HEMAVARSHAN  
S/O LATE CHANDRASEKARAN  
( Minor is represented through his  
mother and next friend 1<sup>st</sup> Respondent  
Munjula herein)

3 JEYALAKSHMI

4 RAJU

5 M/S NATIONAL INSURANCE COMPANY LTD.,  
DIVISIONAL OFFICE, 3RD FLOOR,  
UNITY BUILDING ANNEXE,  
72, MISSION ROAD,  
BANGALORE - 560 027.

... RESPONDENTS / RESPONDENTS

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 497 days in filing the above Civil Miscellaneous Appeal against the award passed in MCOP No.1795 of 2006 dated 08.12.2009 on th file of the Motor Accident Claims Tribunal, III Additional Sub Court, Tiruchirappalli.

PRAYER IN CMA(MD) No.SR45376 of 2011:-

to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, III Additional Sub Court, Tiruchirapalli, in MCOP No.1795 of 2006 dated 08.12.2009.

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.D.SIVARAMAN, Advocate for the petitioner and the Respondents not appeared either in person or by an Advocate, the



court made the following order:-

(Order of the Court was made by **K.KALYANASUNDARAM, J**)

This petition is filed to condone the delay of 497 days in filing the above civil miscellaneous appeal.

2.Mr.D.Sivaraman, learned counsel appearing for the petitioner submitted that the fourth respondent is the owner of the vehicle and the appeal is filed only challenging the quantum, hence, the fourth respondent is not necessary as party in this appeal.

3.Despite the service of notice, the respondents 1 to 3 and 5 have not chosen to appear before this Court.

4. Having satisfied with the reasons stated in the affidavit, this petition is allowed and the delay is condoned on condition that the petitioner shall pay a sum of Rs.1000/- (Rupees one thousand only) to the Mediation and Conciliation Centre attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand automatically dismissed without any further reference to this Court.

sd/-

30/11/2017

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,  
III ADDITIONAL SUBORDINATE JUDGE,  
TIRUCHIRAPALLI

COPY TO:-

THE CO-ORDINATOR,  
MEDIATION AND CONCILIATION CENTRE,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

JAM/14.12.17/CM/ SAR 4/ 2P-3C

ORDER

IN

CMP (MD) No.7654 of 2016

IN

CMA (MD) No.SR45376 of 2011

Date :30/11/2017