



MP(MD) No.1 of 2015

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

Monday, the Seventeenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

M.P.(MD).Nos.1, 2 and 3 of 2015

in

C.M.A(MD). No.470 of 2014

THE ORIENTAL INSURANCE COMPANY LTD.,
6A, NORTH COTTON ROAD,
THOOTHUKUDI.

... PETITIONER/ APPELLANT
IN ALL MP_s

Vs

1 MINOR DHARMARAJ,

2 KALIMUTHU,

3 RANJITHAM (DIED)

...RESPONDENTS 1-3/RESPONDENTS 1-3
IN ALL MP_s

4 ARUMUGAM

... LRS OF DECEASED 3RD RESPONDENT/
PROPOSED 4TH RESPONDENT
IN ALL MP_s

PRAYER IN MP(MD)No.1 of 2015:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 744 days in filing the petition to set aside the abatement caused due to the death of 3rd respondent in CMA(MD) NO. 469 of 2014 and thus render justice.



MP(MD) No.1 of 2015

PRAYER IN MP(MD)No.2 of 2015:

To set aside the abatement caused due to the death of 3rd respondent in CMA (MD)No.469 of 2014.

PRAYER IN MP(MD)No.3 of 2015:

To bring on record the 4th proposed respondent herein as legal representative of the deceased 3rd respondent and rank him as 4th respondent in CMA(MD)No.470 of 2014.

PRAYER IN CMA(MD)No.470 of 2014

To set aside the award and decretal order passed in M.C.O.P.No.27 of 2013 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Thoothukudi dated 11.10.2013 by allowing the present appeal.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S. S.VEERANASAMY, Advocate for the petitioner in all MPs and of M/S.P.PETHURAJESH, Advocate on behalf of the Respondent No.1 in all MPs and and not appeared for the respondent No.2 in all MPs and either in person or through by an advocate, the court made the following order:-

The Petition in M.P.(MD)No.1/2015, has been filed to condone the delay of 744 days in filing the petition to set aside the abatement caused due to the death of third respondent in C.M.A(MD). No.470/2014.

2.The petition in M.P.(MD)No.2/2015, has been filed to set aside the abatement caused due to the death of third respondent in CMA(MD)No.470/2014.

3.The petition in M.P.(MD)No.3/2015, has been filed to bring on record the



MP(MD) No.1 of 2015

fourth respondent herein as legal representative of the deceased third respondent and rank him as fourth respondent in CMA(MD)No.470 of 2014.

4. It is seen from the records that the main appeal itself was disposed of on 05.09.2018 and hence, nothing survives for further adjudication in these petitions.

5.Hence, the Civil Miscellaneous Petitions are dismissed as infructuous.

sd/-
17/07/2023

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/ 07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
CHIEF JUDICIAL MAGISTRATE COURT, THOOTHUKUDI

ORDER
IN
M.P.(MD).Nos.1, 2 and 3 of 2015
in
C.M.A(MD). No.470 of 2014
Date :17/07/2023

RK/BUC (21/07/2023) 3P / 2C

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