



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

Friday, the Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) Nos.12071 to 12073 of 2017

IN

CMA(MD) No.444 of 2011

1 A.MARIA ANTHONY (DIED) ... APPELLANT
2 ANTHONY SELVI
3 M.JEBASTINE FRANCO
4 M.MICHEAL ALOSANAI MARIAN
5 M.PHILOMINE VIJAY ... PETITIONERS 2 to 5/PROPOSED
APPELLANTS 2 TO 5
LR's OF THE DECEASED SOLE APPELLANT
IN ALL THE PETITIONS

Vs

1 S.SARAVANAN
2 UNITED INDIA INSURANCE COMPANY LTD.,
PONDICHERY,
3 NATIONAL INSURANCE COMPANY LTD.,
THOOTHUKUDI. ... RESPONDENTS/RESPONDENTS
IN ALL THE PETITIONS

Prayer in CMP(MD).12071/2017 in CMA(MD).444/2011 :

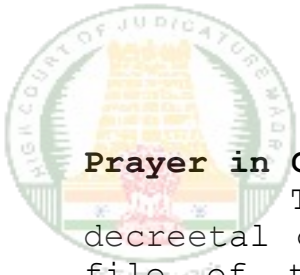
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 1014 days in seeking permission to set aside the abatement caused due to the death of 1st appellant in the above CMA(MD)No. 444 of 2011.

Prayer in CMP(MD).12072/2017 in CMA(MD).444/2011 :

To set aside the abatement caused BY the death of 1st appellant in the above CMA(MD)No. 444 of 2011.

Prayer in CMP(MD).12073/2017 in CMA(MD).444/2011 :

To bring on record the petitioners 2 to 5 as the legal representatives of the deceased 1st appellant and rank them as appellants 2 to 5 in the above CMA(MD)No. 444 of 2011.

**Prayer in CMA(MD).444/2011 :**

To allow this C.M.A. by setting aside the fair and decretal order dated 09.07.2008 passed in MCOP No. 81/2004 on the file of the Chief Judicial Magistrate, (Motor Accident Claims Tribunal), Thoothukudi and hereby allow the said MCOP with cost and thus render justice.

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.C.DHANASEELAN, Advocate for the petitioner in all the petitions, the court made the following order:-

These petitions have been filed seeking to condone the delay of 1014 days in filing a petition to set aside the abatement caused by the death of the sole appellant in the appeal; to set aside the abatement caused by the death of the sole appellant in the appeal and to bring on record the petitioners 2 to 5 as the legal representatives of the deceased sole appellant and rank them as the appellants 2 to 5 in the appeal respectively.

2. Heard the learned counsel for the petitioners as well as the respondents.

3. The learned counsel for the respondents have raised no objection in allowing these petitions.

4. Considering the reasons stated in the affidavit filed in support of the petitions and also considering the length of delay, this Court is inclined to condone the delay, set aside the abatement and also bring on record the petitioners 2 to 5 as the LR's of the deceased sole appellant subject to the payment of cost of Rs.1,000/- (Rupees one thousand only) to the Legal Services Authority, attached to this Bench, within a period of one week from the date of receipt of copy of this order, failing which these petitions shall stand dismissed automatically without any further reference to this Court.

5. These petitions are accordingly ordered.

6. In the event of payment of cost, the Registry is directed to carry out necessary amendment in the cause title of the appeal.

sd/-

03/08/2018

/ TRUE COPY /

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



TO

THE CHIEF JUDICIAL MAGISTRATE,
(MOTOR ACCIDENT CLAIMS TRIBUNAL),
THOOTHUKUDI

COPY TO : THE OFFICER INCHARGE, LEGAL AID SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) Nos.12071 to 12073 of 2017
IN CMA(MD) No.444 of 2011
Date :03/08/2018

PK/JC/SAR-1/06.09.2018 : 2P/3C