



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

Friday, the Thirty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.4617 of 2016
IN
CMA(MD) No.SR9233 of 2016

S.PARAMASIVAM

... PETITIONER/ APPELLANT

Vs

1 K.S.SUMITHRA

2 CHOLAMANDALAM MS.GENERAL INSURANCE COMPANY LTD.,
REP.BY ITS DIVISIONAL MANAGER.
"DARE HOUSE", 2ND FLOOR,
N.S.C.BOSE ROAD, CHENNAI.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 567 days in filing the civil miscellaneous appeal and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances and thus render justice.

PRAYER IN CMA(MD) No.SR9233 of 2016:

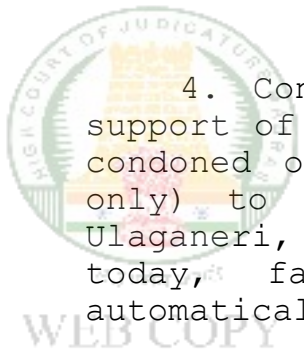
To call for the records pertaining to the fair and ex-order in M.C.O.P.No.16 of 2013 dated 11.04.2014 on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Madurai and enhance the award compensation amount by allowing this Civil Miscellaneous Appeal.

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.M.C.SWAMY, Advocate for the petitioner and of Mrs.K.R.SHIVA SHANKARI, Advocate for R2 and R1 not appeared either in person or by an advocate, the court made the following order:-

This petition has been filed to condone the delay of 567 days in filing the above Civil Miscellaneous Appeal.

2. The learned counsel appearing for the petitioner submitted that there is no award against the first respondent and hence, he is not necessary party in this appeal. The said submission is recorded.

3. I have heard the learned counsel appearing for the petitioner and the second respondent.



4. Considering the reasons stated in the affidavit filed in support of this petition, this petition is allowed and the delay is condoned on payment of cost of Rs.1,000/- (Rupees One Thousand only) to Rojavanam, Home for Old Aged, Melur Road, Uthangudi, Ulaganeri, Madurai - 625 107, within a period of one week from today, failing which this petition shall stand dismissed automatically without any further reference to this Court.

5. Registry is directed to number the appeal if it is otherwise in order and post the same for admission.

sd/-
31/08/2018

/ TRUE COPY /

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

TO
THE SPECIAL SUBORDINATE JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURAI.

COPY TO:

1 THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR OLD AGED,
MELUR ROAD, UTHANGUDI, ULAGANERI,
MADURAI - 625 107.

2 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.4617 of 2016
IN
CMA (MD) No.SR9233 of 2016
Date :31/08/2018

MS/MMS/SAR-2/07.09.2018/2P.4C