



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

Thursday, the Eighth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CMP(MD) No.7915 of 2017

IN

CMA(MD) No.SR33182 of 2017

1 SAROJA
2 MINOR SIVASANKARI
3 MINOR KAYATHRI
4 MINOR MUTHUSELVI
(MINOR APPELLANTS 2 TO 4 THROUGH
THEIR GUARDIAN AND MOTHER SAROJA) ... APPELLANTS/CLAIMANTS

Vs

1 DURAI PANDIAN
2 THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LTD.,
1ST FLOOR, 7/1-WEST CAR STREET,
SIVAKASI-626 123. ... 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 1527 days in filing the above said appeal against award passed by the Motor Accident Claims Tribunal (Additional District Judge, Virudhunagar) in MCOP.No. 149 of 2010 dated 14/03/2013.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.M.MOHAN GANDHI, Advocate for the petitioner and M/S.B.THANGA ARAVINDH, Advocate for R1 and M/S.A.ELANGO, Advocate for R2, the court made the following order:-

The learned counsel for the petitioner is present. The learned counsel for R1 is also present. The learned counsel for R2 also present. The learned counsel for R1 has not filed any counter in the application.



The petitioner is Claimant in this appeal and preferred the appeal for enhancement of the compensation awarded by the tribunal, in preferring appeal there is a delay of 1527 days. Hence, this petition is filed to condone the above delay.

For the reason assigned in para-4 affidavit is perused and considered the claim relates to the compensation for the death of the husband of the 1st petitioner/claimant. The claimant is not entitled to claim any interest for the default period. The learned counsel for the respondents has also agreed above.

Hence, the interest for the delay period is waived. Hence, this petition is allowed subject to the condition that the petitioner/claimant are not entitled to claim any interest for the default period.

The Registry is directed to List the appeal.

sd/-
08/03/2018

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

TO

THE MOTOR ACCIDENT CLAIMS
TRIBUNAL (ADDITIONAL DISTRICT JUDGE)
VIRUDHUNAGAR.

COPY TO : THE SECTION OFFICER, JUDICIAL SECTION
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.7915 of 2017
IN
CMA (MD) No.SR33182 of 2017
Date :08/03/2018

PK/RR-CSL/SAR-3/14.03.2018 : 2P/3C