



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

Thursday, the Twenty Third day of August Two Thousand Eighteen

PRESENT

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

CMP(MD) No.8710 of 2016

IN

CMA(MD) No.SR31070 of 2016

CHINNAKUTTY,

... PETITIONER / PETITIONER

Vs

1 SUBBURAJ (DIED)
2 KANDASAMY NAICKAR,

3 NEW INDIA ASSURANCE COMPANY,
NO.92 1ST FLOOR, EAST GOST CHAMBER, G.N.
CHETTI ROAD, T.NAGAR, CHENNAI-17.

... 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 170 days in filing the above appeal CMA SR.31070/2016 and pass such further or other orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

PRAYER IN CMA(MD)No.SR31070 of 2018:-

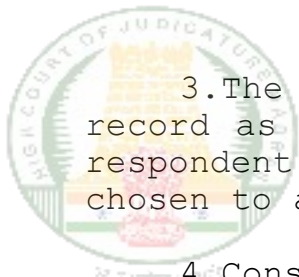
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside or modify the order and decree of the tribunal in M.C.O.P.No.35 of 2006 dated 06.11.2015 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate,Tirunelveli) and allow the appeal 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 M/S.A.B. NATARAJAN, Advocate for the petitioner and of Mr.B.Rajesh Saravanan Advocate for R3, and for R2 is not appeared either in person or by an advocate, the court made the following order:-

This petition is filed to condone the delay of 170 days in filing the above Civil Miscellaneous Appeal.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel appearing for the petitioner.



3.The first respondent died and his legal heir was already on record as second respondent. Though notice was served on the third respondent and his is also printed in the cause list, he has not chosen to appear either in person or through counsel.

4.Considering the contention of the learned counsel for the petitioner, the delay of 170 days is condoned on payment of cost of Rs.500/- (Rupees Five Hundred only) to the Rojavanam, Homeless & Aged Cared Centre, Melur Road, Uthangudi, Madurai, within a period of one week from the dated of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically, without further reference to this Court.

sd/-
23/08/2018

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS
TRIBUNAL / CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

COPY TO:- THE OFFICERS INCHARGE,
THE ROJAVANAM, HOMELESS & AGED CARED CENTRE,
MELUR ROAD,
UTHANGUDI, MADURAI.

ORDER
IN
CMP (MD) No.8710 of 2016
IN
CMA (MD) No.SR31070 of 2016
Date :23/08/2018

MV:VR:SAR2:14/09/18/2P/3C