



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

Thursday, the Twelfth day of July Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) Nos.5526 of 2018 and 11292 of 2017
IN
CMA(MD) No.SR46844 of 2017

CMP(MD) No.5526 of 2018:

1 M. SEETHAI
2 M. UMA MAHESWARI

... APPELLANTS/PETITIONERS

Vs

1 THE SECRETARY
SOURASHTRA COLLEGE, PASUMALAI,
MADURAI -6.

2 THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO., LTD.,
DIVISIONAL OFFICER - IV,
NO.52, SOUTH MASI STREET,
MADURAI -1.

3 SORNVALLI (DIED)

4 SORNANTHAN
5 KOTHAI
6 M. SIVAPRAKASAM
7 M. VELLAIAPPAN
8 MEENAKSHI
9 VALLIAPPAN
10 M. SUNDAR
11 R. KAMALA

... RESPONDENTS/RESPONDENTS

... PROPOSED PARTIES/LEGAL HEIRS OF
DECEASED 3rd RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to bring on the proposed parties i.e. M. Sivaprakasam, M. Vellaiappan, Meenakash, Valliappan, M. Sundar, R. Kamala 6 to 11 Respondents in the place of the deceased 3rd respondent in the main Appeal.

CMP(MD) No.11292 of 2017:

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

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2 M. UMA MAHESWARI

... PETITIONERS/APPELLANTS



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... RESPONDENTS/RESPONDENTS

(*) RR6 to 11 are brought on record as LR's of deceased 3RD respondent, vide court order dated 12.07.2018 made in CMP(MD)5526/18 and 11292/17 in CMA.SR46844/17 by JNB.

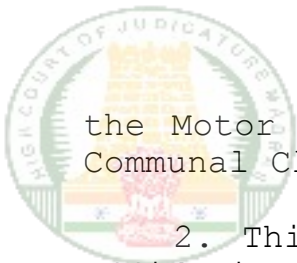
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to To condone the delay of 660 days in filing the appeal against the award passed in MCOP.No. 51 of 2009 on the file of the Motor Accident Claims Tribunal/District and Sessions Judge, Communal Clash Cases Court, Madurai dated 26/10/2015.

PRAYER IN CMA.SR46844 of 2017 :

To allow this Appeal and enhance the Compensation awarded in MCOP No.51/2009 on the file of the Motor Accident Claims Tribunal/District and Sessions Judge, Communal Clash cases Court, Madurai dated 26.10.2015.

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.VS.KARTHI for M/S.VS.KARTHI ASSOCIATES, Advocate for the petitioner and of MR.A.SHAJAHAN, Advocate on behalf of the 2nd Respondent, the court made the following order:-

C.M.P. (MD) No.11292 of 2017 (in short 'condone delay petition') was filed to condone the delay of 660 days in filing the civil miscellaneous appeal in C.M.A. (MD) No.SR46844 of 2017, as against the judgment and decree made in M.C.O.P.No.51 of 2009, on the file of



the Motor Accidents Claims Tribunal, District and Sessions Court / Communal Clash Cases Court, Madurai, dated 26.10.2015.

2. This Court, being satisfied with the reasons stated in the affidavit filed in support of the petition, on 09.07.2018, was about to allow the condone delay petition on payment of Rs.1,000/- to the 'Chief Justice Relief Fund'.

3. It was brought to the knowledge of this Court that during the pendency of condone delay petition, the third respondent died and steps were also taken to bring the legal representatives of the third respondent on record by filing C.M.P.(MD)No.5526 of 2018 and as on 09.07.2018, the same was pending. Without impleading the proposed parties as respondents in the place of the deceased third respondent, the condone delay petition could not be ordered and therefore, the matter has been listed today (12.07.2018), under the caption, 'for clarification'.

4. Heard the learned Counsel appearing on either side and perused the materials placed on record.

5. No serious objection is endorsed by the other side insofar as the petition to bring on record the legal representatives of the deceased third respondent on record is concerned and also to condone the delay.

6. Considering the facts and circumstances of the case and also the submission made by the learned Counsel on either side, the civil miscellaneous petition in C.M.P.(MD)No.5526 of 2018 is hereby allowed.

7. Considering the facts and circumstances of the case and also considering the length of delay, civil miscellaneous petition in C.M.P.(MD)No.11292 of 2017, ie., condone delay petition is also allowed, on payment of Rs.1,000/- (Rupees One Thousand only) to the 'Chief Justice Relief Fund', within a period of one week from the date of receipt of a copy of this order, failing which, the petition shall stand dismissed automatically without any further reference to this Court.

8. Registry is directed to carry out necessary amendments in the condone delay petition and also in the main appeal.

sd/-
12/07/2018

/ TRUE COPY /

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



TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL/
DISTRICT AND SESSIONS JUDGE,
COMMUNAL CLASH CASES COURT, MADURAI.

ORDER IN
CMP(MD) Nos.5526 of 2018
and 11292 of 2017
IN CMA(MD) No.SR46844 of 2017
Date :12/07/2018

PK/RR/SAR-2/07.08.2018 : 2P/2C