



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

Friday, the Twenty Seventh day of July Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.5853 of 2018

IN

CMA (MD) No.SR52571 of 2017

I.JOSEPH

... PETITIONER/APPELLANT/
2nd RESPONDENT

Vs

1 V.DHARMAR

... 1st RESPONDENT/1st RESPONDENT/
CLAIMANT

2 D.SIVAKUMAR

... 2nd RESPONDENT/2nd RESPONDENT/
1st RESPONDENT

3 THE BRANCH MANAGER

THE NEW INDIA ASSURANCE COMPANY LTD,
NO.83, WEST BOULE WARD SALAI,
TRICHIRAPPALLI TOWN.

... 3rd RESPONDENT/3rd RESPONDENT/
3rd RESPONDENT

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 689 days in filing the Civil Miscellaneous Appeal and thus render justice.

PRAYER IN CMA (MD) No.SR52571 of 2017:

To set aside the Judgment and Decree passed in MCOP.No.52 of 2012 dated 03.11.2015 on the file of the Motor Accident Claims Tribunal (Principal Sub-judge), Dindigul.

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.A.JOHN XAVIER, Advocate for the petitioner and of MR.M.MURALI, Advocate on behalf of the 3rd Respondent, the court made the following order:-

This petition has been filed to condone the delay of 689 days in filing the above civil miscellaneous appeal in C.M.A.(MD) No SR52571 of 2017.



2. Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay, subject to the payment of cost of Rs.2,500/- (Rupees Two Thousand Five Hundred only) to "Chief Justice Relief Fund", within a period of one week from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically, without any further reference to this Court.

3. This petition is accordingly ordered. On showing the proof of payment, Registry is directed to number the appeal, if the papers are otherwise in order and list the same on 03.08.2018, 'for admission'. Registry is also directed to print the name of Mr.J.S.Murali, learned Counsel for the third respondent, correctly, in the cause list.

sd/-
27/07/2018

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(PRINCIPAL SUBORDINATE JUDGE),
DINDIGUL.

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

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

COPY TO : THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.JOHN XAVIER Advocate SR.No.

ORDER
IN
CMP(MD) No.5853 of 2018
IN
CMA(MD) No.SR52571 of 2017
Date :27/07/2018

PK/RR/SAR-4/02.08.2018 : 2P/6C