



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

Wednesday, the Thirty First day of October Two Thousand and Eighteen

WEB COPY

PRESENT

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

CMP(MD) No.6931 of 2018
IN
CMA(MD) No.SR18791 of 2018

NAGAMUTHU

... APPELLANTS/PETITIONER

Vs

1.R.SELVARAJ

2.M/S.IFKO TOKYO GENERAL INSURANCE COMPANY LTD.,
REPRESENTED BY THE DIVISIONAL MANAGER,
PREETHAM PLAZA 1ST FLOOR,
INDHIRAGANDHI NAGAR,
PONEMENI BY-PASS ROAD,
MADURAI-10

... 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 712 days caused in filing the CMA before this Honourable Court challenging the fair and Decreetal order dt. 16.2.2016 passed in M.C.O.P.No.261/2009 and thus render justice.

Prayer in CMA(MD) No.SR18791 of 2018 :

To set aside the Judgment and decreetal order dated 16.02.2016 passed in M.C.O.P.No.258/2009 on the file of IIIrd Additional Subordinate Judge, Madurai, in part regarding fixing the liability as against 1st respondent 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.S.VIJAYASHANTHI, Advocate for the petitioner and of not appeared either in person or by an Advocate for the first respondent and Mr.V.SAKTHIVEL, Advocate for the R2, the court made the following order:-

This petition has been filed to condone the delay of 712 days in filing the above Civil Miscellaneous Appeal.

2. Though notice was served on the first respondent and his name is also printed in the cause list, there is no representation on



behalf of the first respondent either in person or through their counsel. Mr.Sakthivel, learned counsel takes notice for 2nd respondent.

3.This petition is allowed and the delay is condoned on payment 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 two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automattically without any further reference to this court.

4.If the aforesaid condition is complied with within the time stipulated, and if the papers are in order, Registry is directed to number the appeal and post the same for admission.

sd/-
31/10/2018

/ TRUE COPY /

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

TO

THE IIIRD ADDITIONAL SUBORDINATE JUDGE,
MADURAI.

COPY TO:

- 1.THE 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.6931 of 2018
IN
CMA (MD) No.SR18791 of 2018
Date :31/10/2018

RAM/JC/SAR 4/15.11.2018/2P/4C