



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

Thursday, the Twenty Ninth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.6929 of 2018
IN
CMA (MD) No.SR19074 of 2018

UDAPPAN @ CHINNA UDAPPAN

... APPELLANTS/PETITIONER

Vs

1 R.SELVARAJ

2 M/S.IFKO TOKYO GENERAL INSURANCE CO. LTD.,
PREETHAM PLAZA 1ST FLOOR,
REP. BY THE DIVISIONAL MANAGER,
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. 16.02.2016 passed in M.C.O.P.No.261/2009 and thus render justice.

PRAYER IN CMA(MD) No.SR19074 of 2018 :

To set aside the Judgment and Decree dated 16.02.2016 passed in M.C.O.P.No.261/2009 on the file of IIIrd Additional Subordinate Judge, Madurai, in part regarding fixing the liability as against 1st Respondent.

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.S.VIJAYASHANTHI, Advocate for the petitioner and of MR.V.THIRUMAL, Advocate for R1 and MR.V.SAKTHIVEL, Advocate for 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 in C.M.A.(MD) No.SR19074 of 2018.

2. When the matter came up for hearing today, the learned Counsel appearing for the petitioner/appellant submitted that the petitioner/appellant will not claim interest for the delayed period in the event of enhancement by this Court.



3. Mr.V.Thirumal, learned Counsel takes notice for the first respondent and Mr.V.Sakthivel, learned Counsel takes notice for the second respondent. They, in unison, submitted that they are not having any serious objections in condoning the delay.

4. In view of the above submission and also considering the reasons stated in the affidavit filed in support of the petition as well as considering the length of delay, this Court is inclined to condone the delay, subject to the payment of cost of Rs.1,500/- (Rupees One Thousand and 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.

sd/-
29/11/2018

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

ORDER
IN
CMP (MD) No.6929 of 2018
IN
CMA (MD) No.SR19074 of 2018
Date :29/11/2018

JM/VR MMS/SAR 1/06.12.2018/2P/3C