



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

Friday, the Twenty Eighth day of September Two Thousand Eighteen

PRESENT

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

CMP(MD) No.9309 of 2018
IN
CMA(MD) No.SR34831 of 2015

S.PRAKASH

... PETITIONER/ PETITIONER/
APPELLANT

Vs

1 K.BALASUBRAMANIAN

2 M/S.NATIONAL INSURANCE CO.LTD.
THROUGH ITS DIVISIONAL MANAGER,
MARUTHI COMPLEX, F215, II FLOOR,
OMALUR ROAD, P.O.NO.27, SALEM.

... RESPONDENTS/ RESPONDENTS/
RESPONDENTS

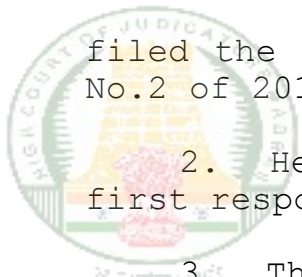
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order passed by this Honourable Court in M.P(MD) No.2 of 2015 in CMA(MD)SR.No.34831 of 2015 dated 13.04.2016 dismissed for non payment of cost and restore the application on file and thus render justice.

PRAYER IN CMA(MD)SR.No.34831 of 2018:-

To enhance the awarded passed in M.C.O.P.No.82 of 2011 dated 17.11.2012 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Tuticorin and allowed this 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 Mr.S.M.MOHAN GANDHI, Advocate for the petitioner and of Mr.P.MALINI, Advocate for R2 and R1 not appeared either in person or by an advocate, the court made the following order:-

The petitioner has filed MP(MD)No.2 of 2015 to condone the delay of 908 days in filing the above Civil Miscellaneous Appeal and the said petition was allowed on payment of cost of Rs.500/-, but, the petitioner has not complied with the said condition and that the said petition was dismissed. Thereafter, the petitioner has filed CMP(MD)No.11041 of 2017 to condone the delay of 536 days in filing the restoration petition in M.P(MD)No.2 of 2015 and the said the petition was allowed on payment of cost of Rs.500/- and the petitioner has complied with the condition. Now, the petitioner has



filed the present petition to set aside the order passed in MP(MD) No.2 of 2015, dated 13.04.2016.

2. Heard the learned counsel appearing for the petitioner and first respondent.

3. This petition is ordered and MP(MD)No.2 of 2015 is restored to file.

4. Registry is directed to post the petition in MP(MD)No.2 of 2015, for hearing on 03.10.2018.

sd/-

28/09/2018

/ TRUE COPY /

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

TO
THE CHIEF JUDICIAL MAGISTRATE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
TUTICORIN.

ORDER

IN

CMP(MD) No.9309 of 2018

IN

CMA(MD) No.SR34831 of 2015

Date :28/09/2018

MS/MMS/SAR-3/01.10.2018/2P.2C