



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.9330 of 2018
IN
CMA(MD) No.SR18367 of 2018

1 SOMAN
2 PANDIAMMAL

... APPELLANTS/PETITIONERS

Vs

1 BALASUBRAMANIAN
2 DEENA DHAYALAN
3 THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE COMPANY LTD.,
BRANCH OFFICE-720305,
NO.480, SEKKALAI ROAD,
KARAIKUDI-630 001.

... RESPONDENTS/RESPONDENTS

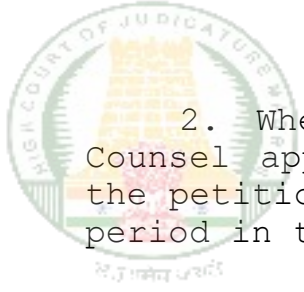
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 1754 days in filing in CMA(SR)No. of 2018 against the order dated 11.02.2013 in M.C.O.P.No.99 of 2011 on the file the IV Additional District Judge cum Motor Accidents Claims Tribunal, Madurai thus render justice.

PRAYER IN CMA(MD) No.SR18367 of 2018 :

To allow the appeal against order dated 11.02.2013 in M.C.O.P.No.99 of 2011 on the file of the IV Additional District Judge Cum Motor Accident Claims Tribunal, Madurai.

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.R.VENKATESAN, Advocate for the petitioner and of MR.J.S.MURALI, Advocate for R3 and R1 & R2 not appeared either in person or through by an Advocate, the court made the following order:-

This petition has been filed to condone the delay of 1754 days in filing the above Civil Miscellaneous Appeal in C.M.A.(MD) No.SR18367 of 2018.



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

3. There is no representation on behalf of respondents 1 & 2, though notice was served on them and their names were also printed in the cause list. Learned Counsel appearing for the third respondent submitted that they are not having any serious objection 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.1000/- (Rupees One Thousand 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 IV ADDITIONAL DISTRICT JUDGE
CUM MOTOR ACCIDENTS CLAIMS TRIBUNAL,
MADURAI.

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

ORDER
IN
CMP (MD) No.9330 of 2018
IN
CMA (MD) No.SR18367 of 2018
Date :29/11/2018

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