



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

Tuesday, the Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CMP(MD) No.9649 of 2018
IN
CMA(MD) No.SR17905 of 2009

A.RAJENDRAN

... PETITIONER/APPELLANT

Vs

1 RADHAKRISHNAN

2 THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LIMITED,
NO.6, WEST VELI
STREET, MADURAI DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order of this Honble Court in MP(MD) No.3 of 2012 in CMA(MD)No.SR 17905 of 2009 dated 19.10.2016 and restore above Civil Miscellaneous Petition.

PRAYER IN CMA(MD)SR.NO.17905 of 2009

Petition praying that in the circumstances stated there in and in the affidavit filed therewith the High Court will be pleased to enhance the award of compaction Rs.1,00,000/- to 4,00,000/- 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.A.JAHANGIR BADUSHA, Advocate for the petitioner and of Mr.J.S.MURALI, Advocate for R2, the court made the following order:-

This petition has been filed to set aside the order passed in MP(MD).No.3 of 2012 in the above appeal, dated 19.10.2016.

2. The learned counsel appearing for the second respondent contended that the petition in MP(MD).No.3 of 2012 to condone the delay of 302 days in filing the above appeal was dismissed for non-prosecution on 19.11.2016 and thereafter, the petitioner filed the present petition to set aside the order passed in the said MP(MD).



No.3 of 2012 in the year 2018, after a period of 2 years and prayed for dismissal of this petition.

3. Heard the learned counsel appearing on either side.

4. This petition is allowed on payment of cost of Rs.500/- (Rupees Five Hundred 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 automatically without any further reference to this Court.

5. The petitioner is not entitled to any interest for the delay period.

sd/-

09/10/2018

/ TRUE COPY /

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

TO

1 THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LIMITED,
NO.6, WEST VELI STREET,
MADURAI DISTRICT.

2 THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR OLD AGED,
MELUR ROAD, UTHANGUDI, ULAGANERI, MAURAI-625 107.

PS/RR/SAR-4:25/10/2018:2P/3C

ORDER

IN

CMP(MD) No.9649 of 2018

IN

CMA(MD) No.SR17905 of 2009

Date :09/10/2018