

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P.Nos.16207 to 16209 of 2004 in
C.M.P.No.5256 of 2002
and C.M.A.SR.No.111817 of 2001

The United India Insurance Co. Ltd.,
 Represented by its Branch Manager, having its
 Branch Office at Sreeji Chambers,
 Mount Road, Coonoor - 643 101.
 The Nilgiris. .. Petitioner (in all C.M.Ps)

Vs.

K.Murugesan (deceased)
 1.Y.Sebastian
 2.G.Supriyan
 3.The New India Assurance Company Ltd.,
 Branch Office No.3/1/338, Annapporna Building,
 Ooty Main Road, Mettupalayam - 641 301.
 4.R.Girish
 5.D.Kaliappan
 6.Rathi Devi
 7.Manikandan .. Respondents (in all C.M.Ps)

(R6 & R7 are the legal heirs of the deceased K.Murugesan)

(R1, R2 & R4 set exparte before Tribunal)

Prayer in C.M.P.No.16207 of 2002: C.M.P.No.16207 of 2004 is filed under Section 5 of the Limitation Act to condone the delay of 702 days in filing the application to bring on record of the L.Rs in C.M.P.No.5256 of 2002, which is filed to condone the delay of 68 days in filing the above C.M.A.SR.No.111817 of 2001.

Prayer in C.M.P.No.16208 of 2002: C.M.P.No.16208 of 2004 is filed under Order 22 Rule 9 of CPC to set aside the abatement in C.M.P.No.5256 of 2002 in C.M.A.SR.No.111817 of 2001, caused due to the death of the first respondent.

Prayer in C.M.P.No.16209 of 2002: C.M.P.No.16209 of 2004 is filed under Order 22 Rule 4 CPC to bring on record the Legal Representatives of the deceased claimant/first respondent in the above C.M.A.SR.No.111817 of 2001 as party respondents Nos.7 and 8 in C.M.P.No.5256 of 2002 in C.M.A.SR.No.111817 of 2001.

Prayer in C.M.P.No.5256 of 2002: C.M.P.No.5256 of 2002 is filed under Section 173(1) of the Motor Vehicles Act, to condone the delay of 68 days in filing the C.M.A.SR.No.111817 of 2001.

C.M.A.SR.No.111817 of 2001 is filed under Section 173(1) of Motor Vehicles Act, 1988, against the award and decree dated 02.07.2001, made in M.C.O.P.No.20 of 1999 on the file of the Motor Accidents Claims Tribunal, District Court, Udhamandalam.

For Petitioner : No appearance (in all C.M.Ps)

For R3 : Mr.S.Manohar (in all C.M.Ps)

ORDER

When the matter was taken up for hearing on 24.01.2019, there was no representation on behalf of the petitioner. Hence, the

matter was directed to be posted today under the caption 'for dismissal'. Even today, there is no representation on behalf of the petitioner. Therefore, these Civil Miscellaneous Petitions are dismissed for default and Civil Miscellaneous Appeal is rejected at the SR stage itself. No costs.

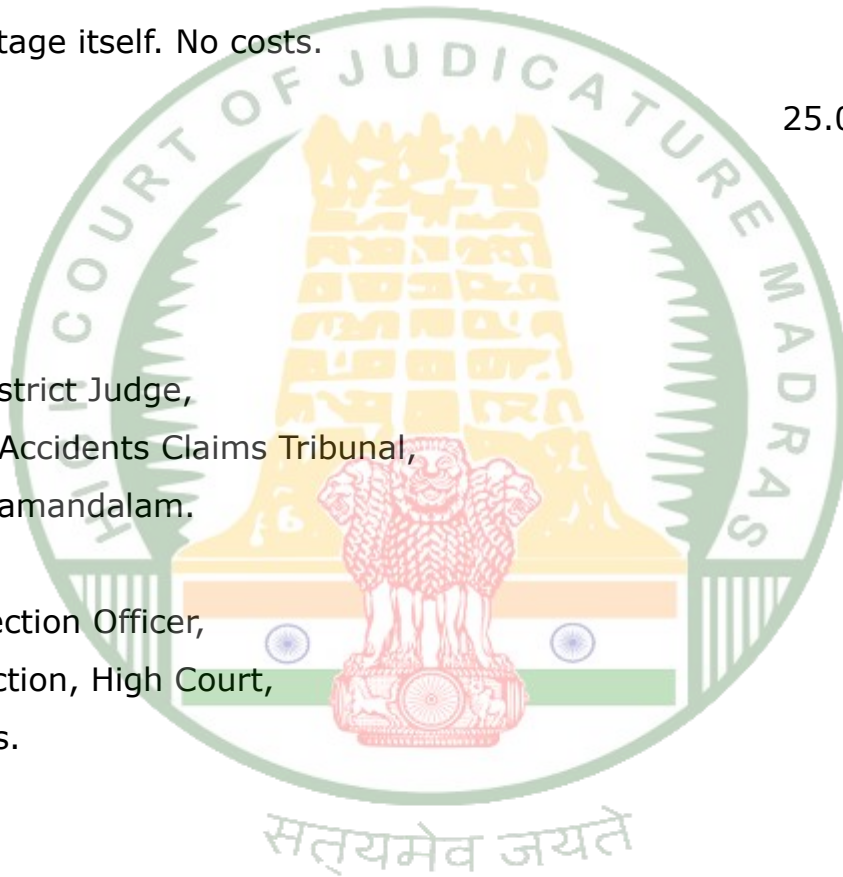
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To

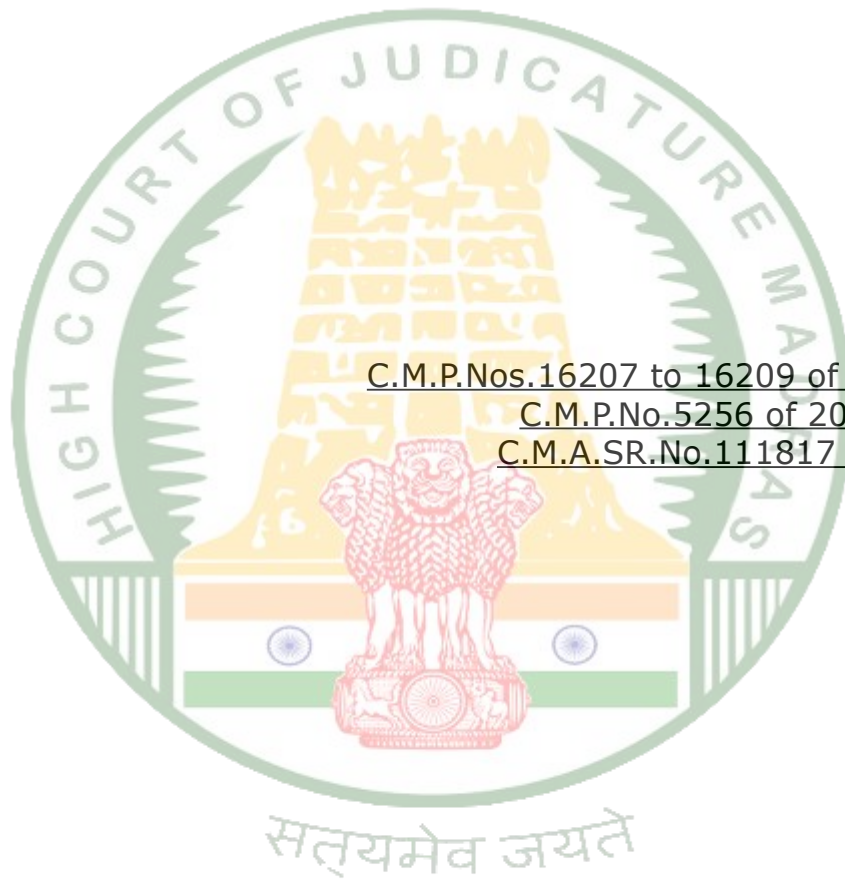
1.The District Judge,
Motor Accidents Claims Tribunal,
Udhagamandalam.

2.The Section Officer,
VR Section, High Court,
Madras.



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V.M.VELUMANI, J.
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C.M.P.Nos.16207 to 16209 of 2004 in
C.M.P.No.5256 of 2002 and
C.M.A.SR.No.111817 of 2001

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