



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP (MD) No.2026 of 2019

IN

CMA (MD) No.SR66631 of 2011

MINOR GOWRISANKAR,
Minor petitioner rep.by
through his mother-Tmt.Amutha

... PETITIONER/APPELLANT

Vs

THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION LIMITED,
MADURAI.

... RESPONDENT/RESPONDENT

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 438 days in filing the above Appeal against the Judgment and Decree passed by the Motor Accident Claims Tribunal / 1st Additional Sub Judge, Madurai in MCOP.No.1096 of 2008 dated 22.04.2010 and thus render justice.

PRAYER IN CMA (MD) No.SR66631 of 2011:-

To allow the appeal and to enhance the compensation awarded by the Motor Accident Claims Tribunal/1st Additional Sub Judge, Madurai in M.C.O.P.No.1096 of 2008 dated 22.04.2010.

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.N.PALANISAMY, Advocate for the petitioner, the court made the following order:-

This Civil Miscellaneous Petition has been filed to condone the delay of 438 days in filing the above said appeal.

2.C.M.A.(MD) No.SR66631 of 2011 has been filed against the judgment and decree passed by the Motor Accident Claims Tribunal/I Additional Subordinate Judge, Madurai in M.C.O.P.No.1096 of 2008 dated 22.04.2010.

3.The said C.M.A., has been filed for enhancement of the compensation awarded by the Tribunal in the said M.C.O.P.,



4.The learned counsel for the petitioner would submit that the petitioner was taking treatment for paralysis attack in his village and due to the same, he could not contact his advocate in time.

5.Considering the reason and from the records, it is observed that a portion of the award amount has also been withdrawn by the petitioner and the reason is genuine one.

6.Considering the grievance as well as the delay is concerned, this petition is allowed with cost of Rs.500/-. The petitioner is directed to pay a sum of Rs.500/- to the credit of Chief Justice Relief Fund within a period of two weeks from the date of receipt of a copy of this order.

7.The Registry is directed to number the appeal if the papers are otherwise in order.

sd/-
03/04/2019

/ TRUE COPY /

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

TO

THE 1ST ADDITIONAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,MADURAI.

COPY TO:-

1. THE SECTION OFFICER
ACCOUNTS SECTION,
CHIEF JUSTICE RELIEF FUND,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE SECTION OFFICER,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.N.PALANISAMY Advocate SR.No.

ORDER
IN
CMP(MD) No.2026 of 2019
IN
CMA(MD) No.SR66631 of 2011
Date :03/04/2019