

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

Monday, the Tenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.2041 of 2019

IN

CMA(MD) No.SR18678 of 2018

C.GANAPATHY

... PETITIONER/APPELLANT

Vs

TAMIL NADU STATE TRANSPORT CORPORATION,
KUMBAKONAM, REPRESENTED BY ITS
MANAGING DIRECTOR.

... 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 764 days in filing this appeal and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER in CMA(MD) No.SR18678 of 2018 :

To allow this appeal and set-aside the Judgment and Decree dated 12.01.2016 passed in M.C.O.P.No.217 of 2015 on the file of the Motor Accident Claims Tribunal, Principal Sub-Court, Kumbakonam.

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.S.MATHIALAGAN, Advocate for the petitioner and of the Respondent not appeared either in person or by an Advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 764 days in filing the above Civil Miscellaneous Appeal.

2.Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay subject to the payment of cost of Rs.1,500/- (Rupees one thousand and five hundred only) to the Chief Justice Relief Fund, within a period of one week from the date of receipt of copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court.

3.It is made clear that if the compensation will be enhanced in the appeal, the petitioner/claimant will not be entitled for interest for the delay period.

4.This petition is accordingly ordered.

5. In the event of payment of cost, the Registry is directed to number the appeal, if it is otherwise in order and list the same "for admission" forthwith.

sd/-
10/06/2019

/ TRUE COPY /

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

TO

THE PRINCIPAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KUMBAKONAM.

COPY TO : THE SECTION OFFICER, ACCOUNTS SECTION,
(CHIEF JUSTICE RELIEF FUND),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CMP (MD) No.2041 of 2019

IN

CMA (MD) No.SR18678 of 2018

Date :10/06/2019

smn

PK/VR/SAR-2/13.06.2019 : 2P/4C