



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

Tuesday, the Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.31 of 2019
IN
CMA(MD) No.SR18631 of 2018

THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
MADURAI ROAD,
VIRUDHUNAGAR.

... APPELLANT/ PETITIONER

Vs

1 S.KANNAN
2 K.PANCHAVARNAM
3 AZHAGURAJ
4 K.MUTHUSAMY

... 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 223 days in paying the deficit court fee of Rs.26,720/- in the above CMA(MD)SR.No.18631 of 2018 and order to take the appeal into file.

PRAYER IN CMA(MD) No.SR18631 of 2018

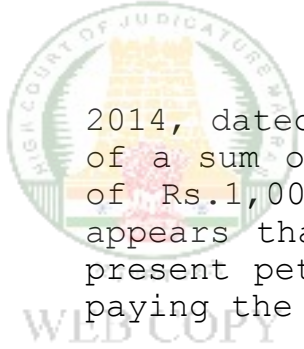
To allow this appeal and set-aside the Judgment and Decree dated 12.12.2017 passed in M.C.O.P.No. 66 of 2014 on the file of the Motor Accident Claims Tribunal, Sub-ordinate Judge, Virudhunagar.

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.A.S.MATHIALAGAN, Advocate for the petitioner and of MR.S.PON SENTHIL KUMARAN, Advocate on behalf of the Respondents the court made the following order:-

[Order of the Court made by **S.S.SUNDAR, J.**]

This petition is filed to condone the delay of 223 days in paying the deficit Court fee of Rs.26,720/- in the above appeal.

2. The petitioner, who is the Insurance Company, has filed the above appeal, as against the Award of Motor Accidents Claims Tribunal / Subordinate Court, Virudhunagar, in M.C.O.P.No.66 of



2014, dated 12.12.2017. It is admitted that as against the Court fee of a sum of Rs.26,720/-, the appeal was presented with a Court fee of Rs.1,000/-. It is only on account of deficit Court fee, it appears that the papers were returned by the Office and hence, the present petition has been filed to condone the delay of 223 days in paying the deficit Court fee.

4.Earlier, the petitioner has filed a petition to condone the delay of 208 days in re-presenting the above appeal and the same was allowed by this Court. Though the delay in paying the deficit Court fee is condonable, this Court is of the view that the delay could have been avoided. Hence, this petition is allowed on condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand) to the credit of the Honourable Chief Minister Relief Fund, within a period of three weeks from the date of receipt of a copy of this order, failing which, this petition shall automatically be dismissed without further reference to Court.

5.Registry is directed to number the appeal, if the papers are otherwise in order, after showing proof for payment.

sd/-
08/01/2019

/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL /
VIRUDHUNAGAR.

COPY TO:-

1. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI
- 2 THE SUB-ASSISTANT REGISTRAR,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI

ORDER
IN
CMP (MD) No.31 of 2019
IN
CMA (MD) No.SR18631 of 2018
Date :08/01/2019