



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.M.P. (MD) No.3883 of 2019

in

C.M.A. (MD) No.SR38208 of 2014

and

C.M.A. (MD) No.SR38208 of 2014

National Insurance Company Limited,
Thiruppur,
Coimbatore District,
represented by its Branch Manager.

... Petitioner

Vs.

1.Rajakumari

Muniasamy (died)

2.Selvi Valli

3.S.Ramakrishnan

... Respondents

PRAYER in C.M.P. (MD) No.3883 of 2019: Civil Miscellaneous Petition is filed under Order IV Rule 9 (4) of AS Rules, to condone the delay of 1620 days in re-presenting the above said appeal in C.M.A. (MD)No.SR38208 of 2014.

PRAYER in C.M.A. (MD) No.SR38208 of 2014: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the fair and decreetal order dated 14.03.2014 made in MCOP No.2360 of 2004 on the file of the Motor Accident Claims (Additional District & Sessions Court), Madurai.

For Petitioner : Mr.S.Srinivasa Raghavan

ORDER

This Civil Miscellaneous Petition has been preferred to condone the delay of 1620 days in re-presenting the above civil miscellaneous appeal.

2.From the records, it is observed that the fair and decreetal order in MCOP No.2360 of 2004 was passed on 14.03.2014. The appeal was preferred on 26.08.2014, but the same was returned on 27.08.2014 for non-comply with certain defects.



3.The petitioner contended that the delay occurred only due to the administration defects, for which, the petitioner is not responsible. Hence, he has filed the present petition to condone the said delay.

4.On perusal of records, it is observed that the decree was passed on 14.03.2014 and the return was made on 27.08.2014, whereas, the reason stated by the petitioner is not a fair one.

5.Considering the abnormal delay, this Civil Miscellaneous Petition is dismissed. Consequently, connected C.M.A.(MD) No.SR38208 of 2014 is also rejected at the SR stage itself.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar(CS)

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To

The V Additional District & Sessions Judge(MACT),
Madurai.

COPY TO
The Section Officer,A.E.Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.S.SRINIVASA RAGHAVAN, Advocate Sr. No. 61671

C.M.P. (MD) No.3883 of 2019
in
C.M.A. (MD) No.SR38208 of 2014
and
C.M.A. (MD) No.SR38208 of 2014
22.04.2019

MA (CO)
TR (09.05.2019) 2P 4C