

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

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.4645 of 2019
IN
CMA (MD) No.SR28325 of 2014

1 AMIRTHAVALLI

2 MINOR.SAMUTHIRA

3 MINOR.SIVASOORIYA

4 KARUPPAYEE

(MINOR PETITIONERS 2 & 3 ARE
REPRESENTED BY THEIR MOTHER
1ST PETITIONER AMIRTHAVALLI)

... PETITIONERS/
PETITIONERS/ APPELLANTS

Vs

1 CREATIVE SYSTEMS

REP. BY ITS PARTNER,
NO.61-B, PARANTHAMAN STREET,
SIVAKASI TOWN.

2 THE MANAGER,

ORIENTAL INSURANCE CO. LTD.,
NO.732, P.K.S.ARUMUGAM ROAD,
SIVAKASI TOWN.

... RESPONDENTS/
RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order service of notice on the 1st respondent in CMP No.6208 of 2016 in CMA SR No.28325 of 2014 by means of substituted service and by publication of notice to the 1st respondent in Malai Malar Tamil Daily in Madurai Edition, and also to pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in CMA(MD). SR28325/ 2014:

To pleased to set aside the judgment and decree dated 29.04.2011 made in MCOP No. 27 of 2008 on the file of Motor Accident Claims Tribunal (Sub Court), Sivakasi.

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.S.SRINIVASA RAGHAVAN, Advocate for the petitioner and of MR.K.BHASKARAN, Advocate for R2, the court made the following order:-

This petition has been filed by the petitioners with a prayer for effecting service on the 1st respondent in C.M.P.No.6208 of 2016 in CMA.SR.No.28325 of 2014 through substituted service, i.e., by publication in a 'Malai Malar', Tamil Daily in Madurai Edition.

2.It is stated by the learned counsel for the petitioners that though the petitioners have sent notice to the 1st respondent, the same has been returned as 'not known'. Hence, they requested this Court to permit the petitioners to effect substituted service.

3.Considering the above submission, the petitioners are permitted to serve notice to the 1st respondent in C.M.P.No.6208 of 2016 in CMA.SR.No.28325 of 2014 through substituted service by effecting paper publication in 'Malaimalar' Tamil Daily in Madurai Edition by duly indicating the date of next hearing as 21.06.2019.

4.The said exercise shall be completed on or before 19.06.2019 and the proof of paper publication should be filed before the Registry.

5.The petition is ordered accordingly.

6.Post the matter on 21.06.2019 for hearing.

sd/-
06/06/2019

/ TRUE COPY /

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

TO

THE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL (SUB COURT),
SIVAKASI.

ORDER
IN
CMP (MD) No.4645 of 2019
IN
CMA (MD) No.SR28325 of 2014
Date :06/06/2019