



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.567 of 2019

IN

CMA(MD) No.SR32941 of 2017

THE MANAGING DIRECTOR

THE TAMIL NADU STATE TRANSPORT CORPORATION,

VIRUDHUNAGAR DISTRICT.

... PETITIONER/ APPELLANT

Vs

1 RUPY

2 MINOR.JOSIKA

3 MINOR. RAKSHITA

(MINOR RESPONDENTS 2 & 3 REP.BY THRO.THEIR

MOTHER AND NATURAL GUARDIAN OF THE 1ST RESPONDENT)

4 VADIVAMMAL

... 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 486 days in paying the deficit court fee of Rs.5450 CMA(MD)SR.No.32941 of 2017 before this Hon'ble Court against the Judgement and Decree passed 07.09.2016 passed in M.C.O.P.No.255 of 2011 on the file of the Motor Accident Claims Tribunal (Principal District Jdudge), Virudhungar District at Srivilliputtur and thus render justice.

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.K.SUDALAIYANDI, Advocate for the petitioner and of Mr.THIRUNAVUKKARASU, Advocate on behalf of the Respondents, the court made the following order:-

Heard.

2.C.M.P(MD)No.567 of 2019 has been filed by the petitioner / Transport Corporation seeking to condone the delay of 486 days in paying the deficit court fee.

3.The learned counsel appearing for the respondents / claimants would submit that he has no objection for allowing the petition. He would further submit that the claim petition is of the year 2011 and the Tribunal has passed award on 07.09.2016. Due to pendency of



this proceeding, the claimants are not able to enjoy the fruits of the decree. Therefore, he seeks for early disposal of the appeal.

4. The learned counsel appearing for the petitioner / Transport Corporation would submit that there is a delay of 149 days in filing the appeal and the same is also pending.

5. 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 of 486 days in paying the deficit court fee and the delay of 149 days in filing the appeal, subject to the payment of cost of Rs.2,000/- (Rupees two thousand only) to the Chief Justice Relief Fund, forthwith, failing which the petitions shall stand dismissed, automatically without any further reference to this Court.

6. This petitions are accordingly ordered. Registry is directed to number the petition seeking to condone the delay of 149 days in filing the appeal.

7. 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" on 29.01.2019.

sd/-

25/01/2019

/ TRUE COPY /

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

TO
THE PRINCIPAL DISTRICT JDUGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
VIRUDHUNGAR DISTRICT AT SRIVILLIPUTTUR.

COPY TO:

1. THE SECTION OFFICER(the Chief Justice Relief Fund)
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.567 of 2019
IN
CMA(MD) No.SR32941 of 2017
Date :25/01/2019