



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

Tuesday, the Fifth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.826 of 2019
IN
CMA(MD) No.SR4275 of 2018

THE BRANCH MANAGER,
NATIONAL INSURANCE CO LTD,
1/1M-404, MASANTH ENQUIRE,
HENNUR MAIN ROAD,
3RD BLOCK, HRBR LAYOUT,
KALYANA NAGAR, BANGALORE, BANGALORE URBAN,
KARNATAKA -560 043, REP.BY ITS BRANCH OFFICE,
GANESH COMPLEX NO.1754/1756,
MANOJIAPPA STREET,
SOUTH MAIN STREET,
THANJAVUR.

... APPELLANT/ PETITIONEER

Vs

1 BACKIYARAJ
2 S.ARUNPETER

... 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 310 days in paying the deficit court fee of Rs.14,175/- in the above C.M.A.S.R No.4275 of 2018 and order to take the appeal into file and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER IN CMA(MD) No.SR4275 of 2018:

To allow this appeal and set aside the judgment and decree order passed in M.C.O.P No.683 of 2016 dated 30.06.2017 on the file of the Motor Accident Claims Tribunal, Special District Court, Thanjavur.

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, the court made the following order:-

This petition is filed to condone the delay of 310 days in paying the deficit Court fee of Rs.14,175/- and for ordering to take the appeal on file.



2. Heard the learned Counsel for the petitioner.

3. The claim application was filed in the year 2016 for claiming a sum of Rs.50,00,000/- and the Tribunal has awarded a sum of Rs.13,77,299/- in the year 2017. The petitioner herein, National Insurance Company Limited, has preferred this appeal questioning the liability, stating that the liability fixed on the petitioner / appellant is erroneous and that for getting administrative sanction in filing the above appeal, the delay occurs.

4. In view of the reasons stated in the affidavit, this Court is inclined to allow this petition. Accordingly, the delay is condoned and petition is allowed on condition that the petitioner shall pay a sum of Rs.1,000/- to the credit of the Honourable Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, within a period of two 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.

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

sd/-
05/02/2019

/ TRUE COPY /

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

TO
THE SPECIAL DISTRICT JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
THANJAVUR.

COPY TO:

- 1 THE SECTION OFFICER, (the Honourable 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.826 of 2019
IN
CMA (MD) No.SR4275 of 2018
Date : 05/02/2019