



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

Thursday, the Twelfth day of September Two Thousand Nineteen  
PRESENT

**The Hon`ble Mr.Justice KRISHNAN RAMASAMY**

**CMP(MD) No.4041 of 2019**

**IN**

**CMA(MD) .SR.NO.15361 of 2019**

WEB COPY

1 M.DEVI,  
2 KARUNYA  
3 SARATHKUMAR ... PETITIONERS/APPELLANTS

(The Appellants 2 & 3 have been delcared as  
Major in I.A.No.390 of 2015 dated 25.02.2015  
and I.A.No.1059 of 2018 dated 19.06.2018 respectively  
on the file of the MACT, Sub Court, Kulithalai.)

Vs

1 S.SUBASH CHANDRA BOSE,  
(1ST RESPT SET-EXPARTE BEFORE THE TRIBUNAL.  
HENCE 1ST RESPONDENT MAY BE DISPENSED WITH)

2 SRI RAM GENERAL INSURANCE COMPANY LTD.,  
NO.5-F, SACHIN PLAZA,  
REDDIYAR BLOCK NO.1,  
1ST FLOOR, FRONT PORTION,  
SALEM - 16

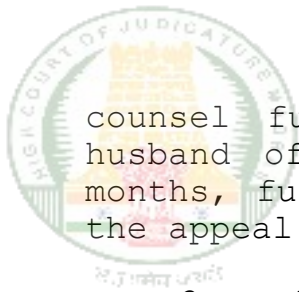
... RESPONDENTS/RESPONDENTS

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 1781 days in filing the above Civil Miscellaneous Appeal against the judgment and decree in MCOP.No.176 of 2011 on the file of Motor Accident Claims Tribunal/Sub Court, Kulithalai dated 10.12.2013 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 M/S.N.SUDHAGAR NAGARAJ, Advocate for the petitioner and of MR.D.SIVARAMAN, Advocate for R2, the court made the following order:-

This petition has been filed seeking condonation of delay of 1781 days in filing the appeal.

2. The learned counsel appearing for the petitioners submitted that this appeal is filed challenging the award passed by the Motor Accident Claims Tribunal (Sub Court), Kulithalai, stating that the compensation awarded by the Tribunal is very low. The learned



counsel further submitted that due to the sudden death of the husband of the first petitioner, she was bed-ridden for several months, further, due to financial crises, she was not able to file the appeal in time. Hence, the delay has occurred.

3. The learned counsel appearing for the respondents opposed to allow the petition, stating that there is no proper/sufficient reasons for the delay.

4. Considering the reasons stated in the affidavit filed in support of this petition and also in view of enormous delay in filing the appeal, this Court is inclined to allow this petition on payment of cost.

5. Accordingly, this petition is allowed on payment of cost of Rs.500/- (Rupees five hundred only), which is payable by the petitioners, to the Legal Aid Services Authority, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order.

sd/-  
12/09/2019

/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE,  
MOTOR ACCIDENT CLAIMS TRIBUNAL, KULITHALAI.

COPY TO:

THE OFFICER INCHARGE,  
LEGAL AID SERVICE AUTHORITY,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CMP(MD) No.4041 of 2019  
IN  
CMA(MD).SR.NO.15361 of 2019  
Date :12/09/2019

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AE/JC/SAR-I (20.09.2019) 2P 3C