



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the First day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.4760 of 2019

IN

CMA(MD) No.SR20629 of 2016

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
TIRUNELVELI.

... PETITIONER/APPELLANT

Vs

1 JOTHILAKSHMI
2 VIJAYAKUMAR
3 MUTHUMARI
4 MINOR.HARSATH
5 MINOR.RUTHRANI
(R4 & 5 ARE REP BY THEIR MOTHER & NATURAL
GUARDIAN THE R1)

6 MARIMUTHU
(R6 IS THE DRIVER OF THE APPELLANT
AND THAT THE NOTICE MAY BE D/W)

7 P.PANDI

8 THE CLAIMS MANAGER,
TATA AIG GENERAL INSURANCE CO.LTD.,
D.NO.2, ETHIRAJ ROAD, EGMORE,
CHENNAI-8.

... 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 606 days in filing the CMA against the Judgment and Decree passed in M.C.O.P.No.251 of 2010 dated 29.01.2014 on the file of the MACT/Chief Judicial Magistrate Court, Virudhunagar District @ Srivilliputtur and thus render justice.

PRAYER IN CMA(MD) No.SR20629 of 2016

To allow this appeal, set aside the judgment and decree passed
<https://hcservices.ecourts.gov.in/hcservices/>



in M.C.O.P.No.251/2010 dated 29.01.2014 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputtur.

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. P.PRABHAKARAN, Advocate for the petitioner, the court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 606 days in filing the above Civil Miscellaneous Appeal.

2.The learned counsel appearing for the respondents have no serious objection in allowing this petition.

3.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 subject to the payment of cost of Rs.2,000/- (Rupees two thousand only) to the Legal Services Committee, attached to this Bench, within a period of two weeks from the date of receipt of copy of this order, failing which this petition shall stand automatically dismissed without any further reference to this Court.

4.This petition is accordingly ordered.

5. 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" forthwith.

sd/-
01/08/2019

/ TRUE COPY /

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

TO

THE CHIEF JUDICIAL MAGISTRATE
MOTOR ACCIDENT CLAIMS TRIBUNAL,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR



Copy to

1. The Officer-in-Charge,
Legal Aid Services Committee,
Madurai Bench of Madras High Court,
Madurai.

2. The Sub Assistant Registrar (AE),
AE Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CMP (MD) No.4760 of 2019

IN

CMA (MD) No.SR20629 of 2016

Date :01/08/2019

gcg

JMN/PN/SAR-1/07.08.2019/3P-4C