



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

Tuesday, the Thirtieth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.5220 of 2019
IN
CMA.SR.No.10592 of 2018

THE MANAGER,
M/S.UNITED INDIA INSURANCE COMPANY LIMITED,
BANGALORE.

... PETITIONER/APPELLANT

Vs

1.KARUNAKARAN
2.NEELA
3.KAVITHA
4.HEMA
5.RAYADURAI

6.THE MANAGING DIRECTOR,
KARNATAKA STATE TRANSPORT CORPORATION,
BANGALORE.

(RESPONDENT NO. 6 GIVEN UP)

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to allow this petition and restore the filing delay petition C.M.P.No.10456 / 2018 in CMA.SR.No.10592 / 2018 which was dismissed for default on 04.12.2018 and thus render justice.

Prayer in CMA(MD) No.SR 10592 of 2018:-

To set aside the order of the Tribunal of Motor Accident claims Tribunal cum Kulithalai made in M.C.O.P. No. 290/2011 dated 10.04.2017 and allow the appeal with costs and 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.C.JAWAHAR RAVINDRAN, Advocate for the petitioner and of Mr.K.ARUNRAJ, Advocate for R1 to R5, the court made the following order:-

It is stated by the learned counsel for the petitioner that this Court by order dated 04.12.2018 while allowing the filing delay petition in CMP(MD)No.10456/2018, has imposed the cost of Rs.1,000/- and inadvertently, he has not noticed the cost and therefore, CMP (MD)No.10456/2018 was dismissed. Hence, this petition for restoration of CMP(MD)No.10456/2018 has been filed.



2.Counsel for respondents 1 to 5 has no objection to allow this petition.

3.Being satisfied with the reasons stated in the supporting affidavit, this petition is allowed and CMP(MD)No.10456/2018 is restored to file. The petitioner is directed to comply with the order dated 04.12.2018 made in CMP(MD)No.10456/2018 within one week from the date of receipt of a copy of this order, failing which, CMP (MD)No.10456/2018 shall stand dismissed automatically without further reference to the Court.

4. In the event of payment of cost, the Registry is directed to number the appeal if the papers are otherwise in order and list the same "for admission".

sd/-
30/07/2019

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
KULITHALAI.

COPY TO:

1.THE AUTHORITY OFFICER,
LEGAL AID SERVICE,
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.5220 of 2019
IN
CMA.SR.No.10592 of 2018
Date :30/07/2019

TK/PN/SAR.4/05.08.2019/2P/4C