



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

Monday, the Twenty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

**The Hon`ble Mrs.Justice J.NISHA BANU**

**CMP(MD) No.12118 of 2018**

**IN**

**CMA(MD) No.SR48848 of 2018**

THE BRANCH MANAGER  
M/S.UNITED INDIA INSURANCE COMPANY LTD.,  
1ST FLOOR, COMMERCIAL COMPLEX,  
COIMBATORE MAIN ROAD,  
KINATHUKADAVU.

... PETITIONER/APELLANT

Vs

1 KAVITHA  
2 MINOR KALAIARASAN  
3 MINOR PAVITHRA  
(MINOR 2<sup>nd</sup> & 3<sup>rd</sup> RESPONDENTS ARE  
REP.BY THEIR MOTHER AND NATURAL GUARDIAN  
& NEXT FRIEND SMT.KAVITHA/  
1ST RESPONDENT HEREIN)

KANNIMUTHU GOUNDER (DIED)

4 K.JEYAPRAKASH

... RESPONDENTS/RESPONDENTS

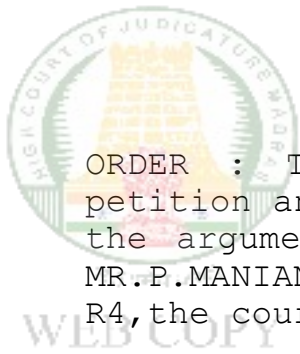
C/T accepted as per order dated 06.12.2018 by JNB

**PRAYER IN CMP(MD) No.12118 of 2018:**

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order to condone the delay of 116 days in filing the Appeal against the award/Decree and judgment dated 08.03.2018 passed in MCOP.No.178/2017 on the file of the Honble Motor Accidents Tribunal (Additional District Judge, Palani), decide the Appeal on merits and further be pleased to pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

**PRAYER IN CMA(MD) No.SR48848 of 2018:**

To set aside the Judgment and Decree dated 08.03.2018 made in MCOP No.178/2017 on the file of the Motor Accident Claims Tribunal (The court of Additional District Judge), Palani.



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.KARTHIK, Advocate for the petitioner and of MR.P.MANIANANDH, Advocate for R1 and MR.D.VENKATESH, Advocate for R4, the court made the following order:-

Heard.

This petition has been filed by the petitioner seeking to condone the delay of 116 days in filing the above Civil Miscellaneous Appeal.

2.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.500/-(Rupees five hundred only) to the Legal Services Committee, attached to this Bench, within a period of one week from the date of receipt of copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court.

3.This petition is accordingly ordered.

4. 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/-  
21/01/2019

/ TRUE COPY /

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

TO

THE ADDITIONAL DISTRICT JUDGE,  
THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PALANI

COPY TO : THE OFFICER INCHARGE, LEGAL SERVICES COMMITTEE,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.C.KARTHIK, Advocate SR.No.1158

ORDER  
IN  
CMP(MD) No.12118 of 2018  
IN  
CMA(MD) No.SR48848 of 2018  
Date :21/01/2019