



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

Tuesday, the Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.12467 of 2018
IN CMA(MD) No.SR13767 of 2018

THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
MANO COMPLEX, KUMARAIAH KOVIL OPPOSITE,
RAMANATHAPURAM.

... PETITIONER/ APPELLANT

Vs

1 KAVITHA
2 MINOR NITHISH
3 MINOR VIKASH
4 PAULTHAI
5 RAMAIAH

... RESPONDENTS/ RESPONDENTS

(THE MINOR RESPONDENTS 2 & 3 ARE REP. BY
THEIR MOTHER AND NATURAL GUARDIAN
1st RESPONDENT, HENCE, NOTICE IS NOT
NECESSAERY TO RESPONDENT 2 & 3)

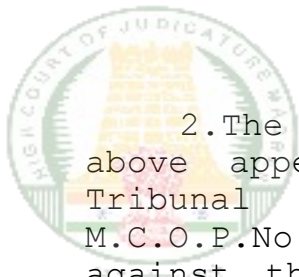
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 225 days in paying deficit Court fee of Rs.50,850/- and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of this case and render justice.

PRAYER IN CMA(MD) No.SR13767 of 2018:

To set aside the judgment and decree dated 01.09.2017 passed in MCOP No.102 of 2015 on the file of the Hon`ble Motor Accidents Claims Tribunal, (Additional District Judge), Ramanathapuram.

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.G.PRABHU RAJADURAI, Advocate for the petitioner, the court made the following order:-

[Order of the Court made by **S.S.SUNDAR, J.**]



2.The petitioner, who is the Insurance Company, has filed the above appeal, as against the Award of Motor Accidents Claims Tribunal / Additional District Court, Ramanathapuram, in M.C.O.P.No.102 of 2015, dated 26.06.2015. It is admitted that as against the Court fee of a sum of Rs.50,850/-, the appeal was presented with a Court fee of Rs.50/-. It is only on account of deficit Court fee, it appears that the papers were returned by the Office and hence, the present petition has been filed to condone the delay of 225 days in paying the deficit Court fee.

3.Earlier, the petitioner has filed a petition to condone the delay of 221 days in re-presenting the above appeal and the same was allowed by this Court on condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand), to the credit of Chief Minister's Relief Fund. Though the delay in paying the deficit Court fee is condonable, this Court is of the view that the delay could have been avoided. Hence, this petition is allowed on condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand) to the credit of the Honourable Chief Minister's Relief Fund, within a period of three 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/-

08/01/2019

/ TRUE COPY /

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

TO
THE ADDITIONAL DISTRICT JUDGE
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
RAMANATHAPURAM.

COPY TO:

1 THE DISTRICT COLLECTOR, (Chief Minister's relief Fund)
MADURAI DISTRICT, MADURAI.

2 THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP (MD) No.12467 of 2018
IN
CMA (MD) No.SR13767 of 2018
Date :08/01/2019