



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

Monday, the Eighteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.11719 of 2018

IN

CMA(MD) No.SR48064 of 2018

UNITED INDIA INSURANCE CO.LTD.
TENKASI.

... PETITIONER/APELLANT

Vs

1 KULASEKARAN
2 KRISHNAMOORTHY
3 SARASWATHI
4 RAMKUMAR

... 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 924 days in filing the above appeal and render justice.

PRAYER IN CMA(MD) No.SR48064 of 2018:

To set aside the judgment and decree dated 10.12.2015 passed in MCOP No.406 of 2011 before the Motor Accident Claims Tribunal, Principal Sub Court, Tenkasi.

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 and of Mr.K.NAVANEETHRAJA, Advocate for R1, the court made the following order:-

This Civil Miscellaneous Petition has been filed to condone the delay of 924 days in filing the above said appeal.

2.The petitioner contended that the policy, under which, the vehicle bearing Reg.No.TN 76 B 5629 is a material document for establishing the fact that the said number belongs to one Innova Car and owned by one V.Shenbagam. The said document was not marked before the Tribunal and on the mistaken impression that the same was relevant document as it does not belong to the offending vehicle.



3.The grievance of the petitioner is that he is unable to produce the policy of the vehicle namely, TATA Ace bearing Reg.No.TN 76 C 5629. Because of the searching of relevant case papers, the said delay was occurred. The issue is whether the said vehicles are involved in the accident, which was occurred on 17.06.2011 since the said vehicle registration number has been wrongly mentioned as TN 76 C 5629. Hence, the petitioner sought for allowing this petition by condoning the said delay.

4.In view of the representation made by the petitioner, the delay of 924 days in filing the above said appeal is condoned.

5.The Registry is directed to number the appeal.

sd/-
18/03/2019

/ TRUE COPY /

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

TO

THE PRINCIPAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TENKASI.

COPY TO:

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

+1. C.C. to Mr.G.PRABHU RAJADURAI Advocate SR.No.54928

ORDER
IN
CMP(MD) No.11719 of 2018
IN
CMA(MD) No.SR48064 of 2018
Date :18/03/2019

TK/VR/SAR-2/30.04.2019/2P/4C