



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

Tuesday, the Thirteenth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P(MD)Nos.7156 & 7158 of 2019

In

C.M.P(MD)Nos.2941 &2942 of 2019

In

C.M.A(MD)SR.Nos.7652 & 7653 of 2018

C.M.P(MD)Nos.7156/2019 :

1 JEYAKODI

2 HARIHARASUDHAN (MINOR)
(MINOR REPRESENTED BY THE 1ST PETITIONER/
MOTHER AND GUARDIAN.)

3 KRISHNAMOORTHY

4 ANANTHAVALLI ... PETITIONERS/PETITIONERS/APPELLANTS

Vs

1 MUTHUVEL @ MUTHUVELAMMA

2 THE NEW INDIA ASSURANCE COMPANY LTD,
DIVISIONAL OFFICE, FORT STATION ROAD,
THIRUCHIRAPALLI-2.

3 SAKUNDALADEVI

4 VASANTHAKUMR

5 PAVAYEEAMMAL

6 UNITED INSURANCE COMPANY LTD
1170, METTUR ROAD, IIND FLOOR,
MUTHIAH COMPLEX,
ERODE 638 011.

7 KIRUTHIKA

8 SAKTHIVEL ... RESPONDENTS/RESPONDENT/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 14 days in filing the restoration petition



to restore the CMP(MD). No.2941 of 2019 in CMA(MD). SR.No.7652/2018 which was dismissed on 25.6.2019.

PRAYER in CMP(MD).No.2941 of 2019 in CMA(MD).SR.No.7652/2018:

To Condone the delay of 339 days for paying the deficit court fee of Rs.5,352.50 in the above CMA(MD)SR.No.7652 of 2018 and thus render justice.

PRAYER in CMA(MD).SR.No.7652/2018:

To call for records relating to the decree and judgment passed by the Motor Accident Claims Tribunal (Principal District Judge), Tiruchirapalli in M.C.O.P.585 of 2011(M.C.O.P.1427 of 2013 of the Special Judge(MACT) court, Trichy dated 19.05.2017 and modify the same by enhancing the award amount and thus render justice.

CMP(MD) No.7158 of 2019:

- 1 SAKUNDALADEVI
- 2 VASANTHAKUMAR
- 3 PAVAYEEAMMAL

... PETITIONERS/PETITIONERS/APPELLANTS

Vs

- 1 MUTHUVEL @ MUTHUVELAMMA
- 2 THE NEW INDIA ASSURANCE COMPANY LTD,
DIVISIONAL OFFICE,
FORT STATION ROAD,
TIRUCHIRAPALLI-6.
- 3 UNITED INSURANCE COMPANY LTD,
1170 METTUR ROAD, IIND FLOOR,
MUTHIAH COMPLEX,
ERODE - 638 011

... RESPONDENTS/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 14 days in filing the restoration petition to restore the CMP(MD). No.2942/2019 in CMA(MD). Sr.7653/2018 which was dismissed on 25.6.2019.

PRAYER in CMP(MD).No.2942 of 2019 in CMA(MD).SR.No.7653/2018:

To Condone the delay of 339 days for paying the deficit court fee of Rs.5,352.50 in the above CMA(MD)SR.No.7653 of 2018 and thus render justice.

PRAYER in CMA(MD).SR.No.7653/2018:

To call for records relating to the decree and judgment passed by the Motor Accident Claims Tribunal (Principal District



Judge), Tiruchirapalli in M.C.O.P.586 of 2011(M.C.O.P.1428 of 2013 of the Special Judge(MACT) court, Trichy) dated 19.05.2017 and modify the same by enhancing the award amount and thus render justice.

ORDER :These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.K.P.NARAYANAKUMAR, Advocate for the petitioner in both petitions and of MR.A.ILANGO, Advocate for R2 in both petitions, the court made the following order:-

These petitions have been filed by the petitioners seeking to condone the delay of 14 days in filing the restoration petitions to restore the C.M.P(MD).Nos.2941 and 2942 in C.M.A(MD).Sr.Nos.7652 and 7653 of 2018 which was dismissed on 25.06.2019.

2.The learned counsel for the petitioners would state that the order copy was made ready during the summer holiday ie. 06.05.2019 and three weeks time fixed by this Court was expired. Since time was expired during the vacation holidays, inadvertently the petitioners failed to make payment within the stipulated time. Hence, the petitions were dismissed on 25.06.2019. The learned counsel further submitted that for the aforesaid reason, there was a delay of 14 days in filing the petitions to restore the above C.M.P(MD).Nos.2941 and 2942 of 2019 and now, he is ready to pay the cost today itself.

3.Considering the reasons stated in the affidavit filed in support of the petitions, these petitions are allowed. The petitioners are directed to pay the cost of Rs.500/-(Rupees five hundred only) each to the Chief Justice Relief Fund, attached to this Bench, today, failing which these petitions shall stand dismissed automatically without any further reference to this Court. These petitions are accordingly ordered.

4. In the event of payment of cost, the Registry is directed to restore the C.M.P.(MD).Nos.2941 and 2942 of 2019 in C.M.A(MD).SR.Nos.7652 and 7653 of 2018 which was dismissed on 25.06.2019 and number the appeals, if it is otherwise in order and list the same "for admission" forthwith.

sd/-
13/08/2019

/ TRUE COPY /

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



1.THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(PRINCIPAL DISTRICT JUDGE),
TIRUCHIRAPALLI

2.THE SPECIAL JUDGE
(THE MOTOR ACCIDENT CLAIMS TRIBUNAL)
TIRUCHIRAPALLI.

COPY TO : 1.THE SECTION OFFICER, ACCOUNTS SECTION
(CHIEF JUSTICE RELIEF FUND),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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

ORDER

IN

C.M.P(MD) Nos.7156 & 7158 of 2019

In

C.M.P(MD) Nos.2941 & 2942 of 2019

In

C.M.A(MD) SR.Nos.7652 & 7653 of 2018

Date :13/08/2019

msa

PK/PN/SAR-4/16.08.2019 : 4P/5C