



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

Tuesday, the Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.9416 of 2018
IN
CMA(MD) No.SR39364 of 2018

R.SIVAKUMAR

... PETITIONER/ APPELLANT

Vs

1 R.SUMATHI

2 THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LTD.,
63, WEST PRATHAKATSHANAM ROAD,
KARUR

... RESPONDENTS/ RESPONDENTS

(1st RESPONDENT IS SET EX-PARTE IN TRIBUNAL.

HENCE, THE 1st RESPONDENT MAY BE DISPENSED WITH)

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 837 days in filing the Civil Miscellaneous Appeal and pass such further or other orders as this Honble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

PRAYER IN CMA(MD) No.SR39364 of 2018:

To modify the order passed by the Deputy Commissioner of Labour, Dindigul made in W.C.No.34 of 2012 dated 29.03.2016 by allowing the Civil Miscellaneous Appeal.

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.N.SUDHAGAR NAGARAJ, Advocate for the petitioner and of M/s.P.MALINI, Advocate for R2, the court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 837 days in filing the above Civil Miscellaneous Appeal.

2.Heard both sides.

3.The learned counsel for the second respondent raised objection in allowing this petition.



4. 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.1500/-. (Rupees one thousand and five hundred only) to the Legal Aid Services Committee, attached to this Bench, within a period of one week from the date of receipt of copy of this order and **on further condition that the petitioner shall not claim interest for the delay period.** This petition is accordingly ordered.

6. 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/-
04/06/2019

/ TRUE COPY /

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

TO
THE DEPUTY COMMISSIONER OF LABOUR,
DINDIGUL.

COPY TO:

- 1 THE OFFICER INCHARGE,
LEGAL AID SERVICE AUTHORITY,
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.9416 of 2018
IN
CMA (MD) No.SR39364 of 2018
Date :04/06/2019

MS/MMS/SAR-3/10.06.2019/2P.4C