

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

**C.M.P.Nos.2233 and 2235 of 2020 and
C.M.A.SR.No.36169 of 2010**

M.Munusamy

.. Petitioner

Vs.

1.Gopalsamy

2.R.Mahendran

3.United India Insurance Co. Ltd.
3, post box No.1122
T.B.Road, R.S.Puram
Coimbatore-641 002.

.. Respondents

PRAYER: C.M.P.No.2233 of 2020 is filed under Order IV Rule 9(4) of Appellate Side Rules, to condone the delay of 3594 days in re-presenting Civil Miscellaneous Appeal.

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C.M.P.No.2235 of 2020 is filed under Section 149 of Civil Procedure Code, to condone the delay of 3594 days in paying deficit Court fee of Rs.2,272.50 in the above appeal.

C.M.A.SR.No.36169 of 2010 is filed under Section 173 of Motor Vehicles Act, 1988, against the judgement and decree dated 12.11.2009 made in M.C.O.P.No.631 of 2007 on the file of Motor Accident Claims Tribunal, III Additional Sub Court, Coimbatore.

For Petitioner : Mr.S.Gunalan

ORDER

These Civil Miscellaneous Petitions are filed to condone the delay of 3594 and 3594 days in re-presenting and paying deficit Court fee of Rs.2,272.50 in the above C.M.A.SR.No.36169 of 2010, which is filed against the judgment and decree dated 12.11.2009 made in M.C.O.P.No.631 of 2007 on the file of Motor Accident Claims Tribunal, III Additional Sub Court, Coimbatore.

2.Heard the learned counsel appearing for the petitioner and perused the entire materials available on record.

3.According to the petitioner, the appeal was filed on 15.04.2010 and the same was returned on 19.04.2010 for compliance of certain defects. The appeal papers ought to have been re-presented on or before 29.04.2010. The petitioner could

not mobilise funds to re-present the appeal and pay deficit Court fee in the appeal in time. The learned counsel appearing for the petitioner has paid the balance Court fee of Rs.2,272.50 and re-presented the above appeal on 06.01.2020. Hence, the delay of 3594 and 3594 days has occurred in re-presenting the appeal and paying deficit Court fee in the appeal. The reason given by the petitioner is not valid and sufficient for condoning the delay of 3594 days in re-presenting the appeal and paying deficit Court fee in the appeal. In view of the same, this Court is not inclined to condone the delay of 3594 and 3594 days in re-presenting the appeal and paying deficit Court fee in the above C.M.A.SR.No.36169 of 2010. Accordingly, C.M.P.Nos.2233 and 2235 of 2020 stand dismissed and consequently, C.M.A.SR.No.36169 of 2010 is rejected. No costs.

सत्यमेव जयते

05.02.2020

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To

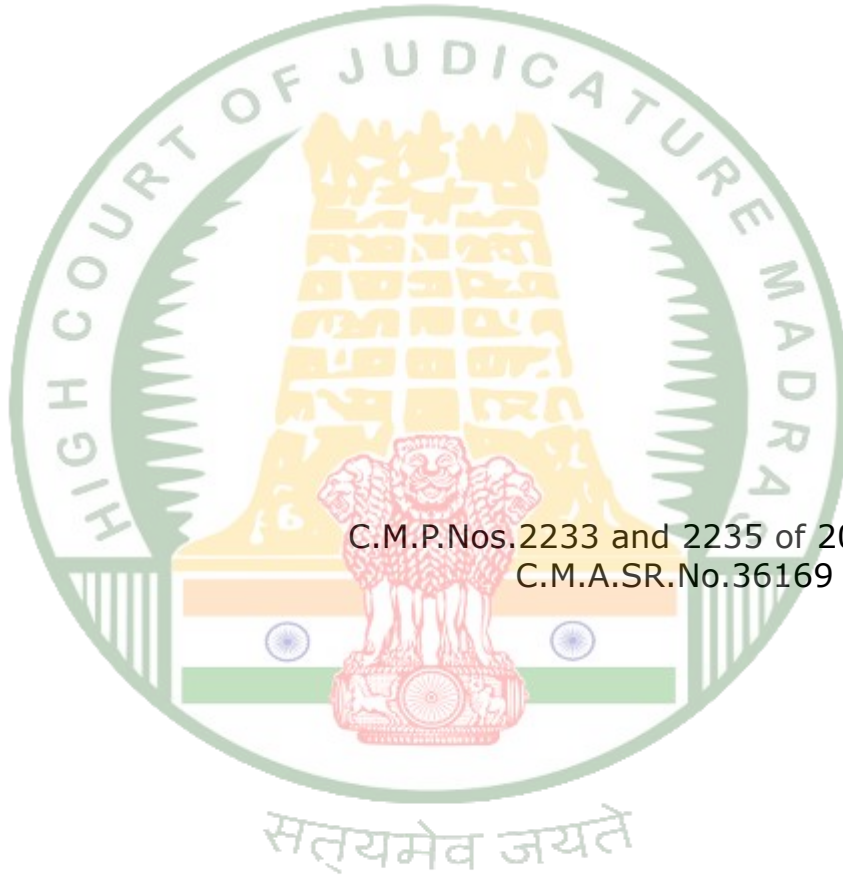
The III Additional Subordinate Judge
The Motor Accidents Claims Tribunal
Coimbatore.

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C.M.A.SR.No.36169 of 2010

V.M.VELUMANI,J.

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