



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Friday, the Tenth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.1813 of 2019
IN
CMA(MD) No.SR372 of 2019

THE TAMILNADU STATE TRANSPORT CORPORATION,
BYE PASS ROAD, MADURAI,
THROUGH ITS
THE MANAGING DIRECTOR.

... PETITIONER/ APPELLANT

Vs

1 KANAKKU MALAIYANDI
2 MUTHULAKSHMI

3 THE NATIONAL INSURANCE CO. LTD.,
MADURAI,
3-A, NORTH STREET,
THROUGH ITS DIVISIONAL MANAGER.

... 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 404 days in filing the Civil Miscellaneous Appeal against order dated 09.06.2016 in MCOP.No.538 of 2012 on the file of the IV Additional Sub Judge cum Motor Accident Claims Tribunal, Madurai and thus render justice.

PRAYER IN CMA(MD) No.SR372 of 2019:

To set aside the fair and decreetal order dated 09.06.2016 in M.C.O.P.No.538 of 2012 on the file of the IV Additional Sub Judge cum Motor Accident Claims Tribunal, Madurai by allowing the present 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.K.SUDALAIYANDI, Advocate for the petitioner and of MR.K.KUMARAVEL, Advocate for R1 and MR.G.PRABHU RAJADURAI, Advocate for R2 and MR.J.S.MURALI, Advocate for R3, the court made the following order:-

This petition is filed to condone the delay of 404 days in filing the above appeal against the order, dated 09.06.2016 in M.C.O.P.No.538 of 2012 on the file of the IV Additional Sub-Court-



2.Heard learned Counsel appearing for the petitioner and the learned Counsel for the respondents.

3.The learned Counsel for the first respondent contested this petition on the ground that the delay has not been properly explained and that therefore, the petition should not be entertained. Though the explanation offered by the petitioner that the papers were misplaced in the petitioner's Office and that they were searched only during the month of November'2018, such explanation cannot be ignored. Since the delay is inordinate and the respondents are also put to some prejudice, this Court is inclined to allow this petition on terms.

3.Accordingly, this petition is allowed and the delay is condoned on condition that the petitioner pay a sum of Rs.3,000/- to the learned Counsel for the first respondent within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition will be dismissed automatically without any reference to this Court.

4.Registry is directed to number the main appeal, if the papers are otherwise in order and upon producing proof for payment.

sd/-
10/07/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE IV ADDITIONAL SUB JUDGE
CUM MOTOR ACCIDENT CLAIMS TRIBUNAL, MADURAI.

ORDER
IN
CMP (MD) No.1813 of 2019
IN
CMA (MD) No.SR372 of 2019
Date :10/07/2020

cmr
JM/JC/SAR 3/13.07.2020/2P/2C