



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

Monday, the Twenty Eighth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN  
and  
The Hon`ble Mr.Justice P.RAJAMANICKAM

C.M.P. (MD)No.4065 of 2020  
in

C.M.A. (MD)SR No.26684 of 2020

IFFCO TOIKIO GENERAL INSURANCE COMPANY LTD.,  
NO. 375A, 1<sup>st</sup> FLOOR, JEYAM BUILDING,  
MADURAI ROAD, THENI - 625 531.  
REP BY ITS BRANCH MANAGER.

... PETITIONER/APELLANT

Vs

1 S.PITCHAIMARY

2 MINOR S.SAHAYA NIJON

3 MINOR S.NEVIYA MERCY

(MINOR RESPONDENTS 2 & 3 REP BY THEIR  
MOTHER 1<sup>st</sup> PETITIONER S.PITCHAIMARY)

4 B.SIRIYA PUSHPAM

5 D.LOGESH

... 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 287 days in filing the appeal against the judgment and decree dated 03.07.2019 passed in MCOP No. 118 of 2018 on the file of the Motor Accident Claim Tribunal Judge (Additional District Judge) of Theni and take the appeal into file.

PRAYER IN C.M.A. (MD)SR No.26684 of 2020:

To set aside the judgment and decree dated 03.07.2019 passed in MCOP No. 118 of 2018 on the file of the Motor Accident Claim Tribunal Judge (Additional District Judge) of Theni by allowing this 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.V.SAKTHIVEL, Advocate for the petitioner and of MR.ARAVINTH C.RAJESH, Advocate on behalf of the Respondents 1 to 4,

<https://hccres.courts.gov.in/home> the following order:-



(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

Heard the submissions of Mr.V.Sakthivel, learned Counsel appearing for the petitioner/appellant and Mr.Aravinth C.Rajesh, learned Counsel, appearing for the respondents 1 to 4.

2. Though this petition is strongly opposed by the learned Counsel appearing for the respondents, this Court on going through the affidavit filed in support of this petition, especially, paragraph No.2, is inclined to allow this petition by putting the petitioner on terms.

3. In the result, this Civil Miscellaneous Petition is **ordered** and the delay is condoned on condition that the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only), to the first respondent, within a period of two weeks from today and also file a Memo to that effect. On such filing of the Memo, if the papers are otherwise in order, the Registry shall number this appeal and list it for admission.

4. Print the name of Mr.Aravinth C.Rajesh, learned Counsel, appearing for the respondents 1 to 4.

sd/-  
28/09/2020

/ TRUE COPY /

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

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO  
THE ADDITIONAL DISTRICT JUDGE,  
MOTOR ACCIDENT CLAIM TRIBUNAL, THENI.

ORDER  
IN  
C.M.P. (MD)No.4065 of 2020  
in  
CMA. (MD)SR No.26684 of 2020  
Date :28/09/2020

pkn  
JM/VR/SAR II/30.09.2020/2P/2C

<https://hcservices.ecourts.gov.in/hcservices/>