



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

Thursday, the Ninth day of July Two Thousand Twenty

WEB COPY

PRESENT

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

CMP(MD) No.6590 of 2019
in
C.M.A. (MD) No.SR52607 of 2019

R.PRABAHARAN

... PETITIONER/APPELLANT

Vs

1 M.MUTHUKUMAR

2 THE NEW INDIA ASSURANCE COMPANY LTD.,
3RD FLOOR, K.V.R.COMPLEX,
80 FEET ROAD, SENKUNDRAM,
KARUR DISTRICT.

REP., BY ITS GENERAL MANAGER, KARUR. ... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to may be pleased to condone the delay of 884 days in filing the above Civil Miscellaneous Appeal and pass such further or other orders,

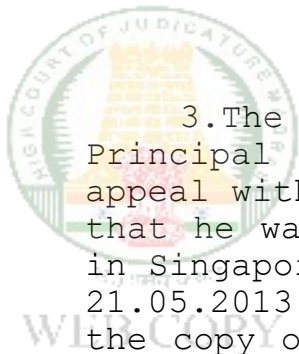
Prayer in C.M.A. (MD) No.SR52607 of 2019:

Pleased to set aside the order dated 05.10.2016 passed in M.C.O.P.No.1238 of 2014 on the file of Motor Accident Claims Tribunal (Principal Sub-Court), Thanjavur.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.P.SENTHIL-9443386994, Advocate for the petitioner and the 1st respondent not appeared either in person or by an advocate, the court made the following order:-

This petition is filed to condone the delay of 884 days in filing the above appeal.

2.Heard the learned Counsel appearing for the petitioner.



3.The claimant in M.C.O.P.No.1238 of 2014 on the file of the Principal Subordinate Court, Thanjavur has preferred the above appeal with the delay of 884 days. It is the case of the petitioner that he was working as Valve Service Engineer in a private company in Singapore and he met with an accident, when he was on vacation on 21.05.2013. Though the copy application was filed on 06.10.2016 and the copy of the award was made ready on 15.11.2016, the petitioner states that he could not contact his present Counsel at Madurai, to file the present appeal, in view of the fact that his employer called upon him to appear before the officials in Singapore.

4.This Court find no reason to doubt the veracity of the statement of the petitioner. However, the delay is 884 days and the delay could have been avoided. Hence, this Court is inclined to allow this petition on terms. Accordingly, this petition is allowed and the delay is condoned on condition that the petitioner pay a sum of Rs.2,500/- to the Legal Aid Services attached to this Bench 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.

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

sd/-
09/07/2020

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

TO

THE PRINCIPAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
THANJAVUR.

COPY TO:-

THE AUTHORIZED OFFICER,
LEGAL AID SERVICES,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CMP(MD) No.6590 of 2019 in
C.M.A.(MD)No.SR52607 of 2019
Date :09/07/2020

CMR

TE/JC/SAR-II : 13/07/2020 : 2P/3C

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