



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
CIVIL APPELLATE JURISDICTION**

TUESDAY, THE TENTH DAY OF NOVEMBER TWO THOUSAND TWENTY

PRESENT

THE HON`BLE MR.JUSTICE K.KALYANASUNDARAM

CMP(MD)NO.5751 OF 2020

IN

CMA(MD)NO. 59 OF 2004

WEB COPY

The Divisional Manager,
United India Insurance Co.Ltd.,
Post Office Road, Palayamkottai,
Tirunelveli.

... Petitioner/Appellant

/ VERSUS /

1 G. Ramar
2 Manickam
3 Y.Alphonse

... Respondents/Respondents

Civil Miscellaneous Petition filed under Order 41 Rule 19 of Civil Procedure Code, praying this Court to set aside the order dated 28.07.2009 passed by this Honourable Court in dismissing the above appeal for default and to restore the same and thus render justice.

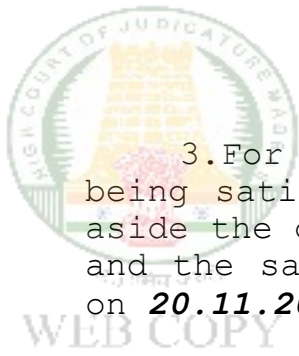
PRAYER IN C.M.A. (MD) No. 59 OF 2004 :

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, preferred against the Judgment and Decree dated 31.08.2000 and made in MACTOP No.229/96 on the file of the Motor Accidents Claims Tribunal (Sub-Judge), Srivilliputhur.

ORDER:- This Civil Miscellaneous Petition coming upon for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and the earlier Order of this Court and upon hearing the arguments of Thiru.G.Prabhu Rajadurai, Advocate for the Petitioner and the Respondents not appeared either in person or by an advocate this Court made the following order:

This Petition has been filed seeking to set aside the dismissal order, dated 28.7.2009 made in the above Civil Miscellaneous Appeal and restore the same to file.

2.Heard the learned counsel appearing for the Petitioner and perused the materials placed before this Court.



3. For the reasons stated in the accompanying affidavit and on being satisfied with the same, this Petition is allowed by setting aside the dismissal order, dated 28.07.2009 made in the above appeal and the same is restored to file. Post the main appeal for hearing on **20.11.2020**.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The Sub Judge,
Motor Accidents Claims Tribunal
Srivilliputhur.

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

ORDER DATED : 10/11/2020

HEARING DATE : 20/11/2020

=====

ORDER

=====

CMP (MD) No. 5751 of 2020

in

CMA (MD) No. 59 of 2004

Giving direction and etc.
as stated within.

NR (18/11/2020) 2P : 5C