



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

Thursday, the Ninth day of July Two Thousand Twenty

PRESENT

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

CMP(MD) No.12355 of 2019

IN

CMA(MD)No.SR55397 of 2019

THE MANAGER,
M/S.SHRIRAM GENERAL INSURANCE CO LTD.,
NO.30, HAKKIM AJMAL KHAN ROAD,
(FIRST FLOOR),
CHINNACHOKIKULAM, MADURAI 2.

... PETITIONER/ APPELLANT

Vs

1 P.ABDUL RAHIMAN

2 THE MANAGING DIRECTOR,
TAMIL NADU STATE TRASNPOT CO LTD.,
BYE PASS ROAD, MADURAI.

3 M.S.MOHAMED UMAR BATCHA

... 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 dealy of 573 days in filing the above appeal against the award dated 08.11.2017 made in MCOP. No.185/2014 on the file of Motor Accident Claims Tribunal Special Sub Judge, Madurai.

Prayer in CMA(MD)No.SR55397 of 2019:

To set aside the fair and decreetal order dated 08.11.2017 made in M.C.O.P.No.185 of 2014 on the file of Motor Accident Claims Tribunal (Special Sub Judge) Madurai and allow this 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.S.SRINIVASA RAGHAVAN, Advocate for the petitioner and of MR.A.JAHANGIR BADUSHA, Advocate for R1, the court made the following order:-

This petition is filed to condone the delay of 573 days in filing the above appeal as against the award, dated 08.11.2017 made in M.C.O.P.No.185/2014 on the file of the Motor Accidents Claims Tribunal (Special Sub-Judge), Madurai.



2.The petitioner, who is the Insurance Company, has filed the appeal challenging the award of Tribunal on various grounds. In the affidavit filed in support of this petition, the petitioner has given some reasons. Though the reasons are, unfortunately, very common and casual and stated to be an account of mixing of bundle with disposed case bundles, such explanation cannot be ignored, while considering the petition for condoning the delay. Though the Counsel appearing for the first respondent seriously opposed this petition, having regard to the reasons for the delay stated in the affidavit, this Court is inclined to condone the delay on terms.

4.Accordingly, this petition is allowed and the delay is condoned on condition that the petitioner pay a sum of Rs.5,000/- to the "Sidha Clinic" attached to this Bench within a period of one week 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. 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 SPECIAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
SIDHA CLINIC,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.12355 of 2019
IN
CMA(MD)No.SR55397 of 2019
Date :09/07/2020

CMR
JM/VR/SAR 3/13.07.2020/2P/3C