



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

Thursday, the Twentieth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

C.M.P. (MD) No.8361 of 2019
in
C.M.A. (MD)No.SR58783 of 2019

1 ELANGO (DIED)
2 PROGIS,
3 MISHMA,
4 RIAS,
5 RASHITH

6 MINOR.MINIKA,

... PETITIONERS/APPELLANTS

(THE 6TH RESPONDENT REPRESENTED BY
HER MOTHER, THE 2nd PETITIONER VIZ., PROGIS)

(*) Cause title accepted vide Court order dated 28/08/2019
made in CMP(MD)No.7660/2019 in CMA.SR.No.58783/2019
by JNBJ)

Vs

1 ROSARI SURESH

2 THE MANAGING DIRECTOR,
ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LTD.,
NO.46, WHITES ROAD,
CHENNAI-600 014.

... 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 3055 days in filing the above Civil Miscellaneous Appeal and pass such furthr or other orders, as this Hon'ble Court may deems fit and proper in the circumstances of the case thus render justice.

PRAYER IN C.M.A.(MD)No.SR58783 of 2019:

To set aside the order dated 03.01.2011 passed in M.C.O.P.No.690 of 2008 on the file of Motor Accidents Claims Tribunal, Additional District Fast Track Court No.II, Tirunelveli.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing

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the arguments of M/S.M.P.SENTHIL, Advocate for the petitioner and of the 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 3055 days in filing the Civil Miscellaneous Appeal.

2. On the side of the petitioners, it is stated that originally the father and mother of the deceased filed a claim petition in M.C.O.P.No. 690 of 2008 and an award was passed by the Tribunal on 03.01.2011, but, they were not aware of the award passed in the claim petition. In the meantime, the father of the deceased died and since the mother of the deceased was an illiterate person, she was not able to get the legal heir certificate and to make amendments in the cause title and hence, the delay of 3055 days in filing the appeal has occurred.

3. Though notice was served upon the respondents, there is no representation for the respondents.

4. Though the delay is enormous, an opportunity to the petitioners to putforth their case is to be given. Hence, in the interest of justice, this Court is inclined to allow Civil Miscellaneous Petition. The petitioners / claimants are not entitled for any interest for the default period for the enhanced amount, if any, awarded in the Civil Miscellaneous Appeal.

5. This Civil Miscellaneous Petition is allowed and the delay of 3055 days in filing the Civil Miscellaneous Appeal, is condoned, on payment of Rs.3000/- (Rupees Three Thousand only), to the credit of the "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, IFSC Code. SBIN 0000898, M.I.C.R. Code.625002601, State Bank of India, Periyakulam) on or before 28.02.2020, failing which, the petition shall stand automatically dismissed without any further reference to this Court.

sd/-
20/02/2020

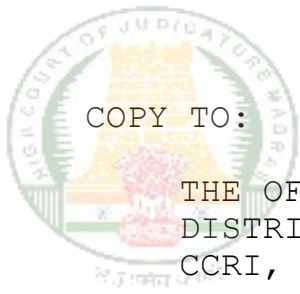
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/ /2020

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

TO

THE ADDITIONAL DISTRICT FAST TRACK COURT NO.II,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.



COPY TO:

THE OFFICER INCHARGE
DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM, THENI DISTRICT.

WEB COPY

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-3665[I] dated 21/02/2020)

ORDER
IN
CMP (MD) No.8361 of 2019
in
C.M.A. (MD) No.SR58783 of 2019
Date :20/02/2020

Ls

AE/PN/SAR-I (03.03.2020) 3P 4C