



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

Tuesday, the Twenty Second day of September Two Thousand Twenty

PRESENT

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

CMP(MD) No.9580 of 2019
in
CMA(MD) SR.No.69937 of 2019

M/S.HDFC ERGO GENERAL INSURANCE COMPANY LIMITED,
4TH FLOOR, RAJANARAYANAN TOWER,
NO.70, RACE COURSE ROAD, COIMBATORE. ... PETITIONER/APPELLANT

Vs

- 1 J.DURGADEVI
- 2 MINOR.J.KANISHKA
REP BY NATURAL GUARDIAN & NEXT FRIEND MOTHER DURGADEVI
- 3 MINOR.J.VARSHINI
REP BY NATURAL GUARDIAN & NEXT FRIEND MOTHER DURGADEVI
- 4 A.SARAVANAPRABHU ... 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 269 days caused in filing appeal before this Honourable Court.

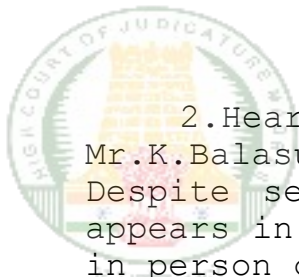
PRAYER IN CMA(MD) SR.No.69937 of 2019:

To allow the appeal, set aside the decree and judgment of the Motor Accidents Claims Tribunal - Principal District Judge, Karur dated 24.09.2018 in M.C.O.P.No.298/2016.

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.G.MARUTHIAH, Advocate for the petitioner and of Mr.K.BALASUBRAMANI, Advocate for the respondents 1 and 3 and the fourth respondent not appeared either in person or by an Advocate, the Court made the following order:-

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

This petition has been filed to condone the delay of 269 days in filing the Civil Miscellaneous Appeal.



2. Heard Mr.G.Maruthiah, learned counsel for the petitioner and Mr.K.Balasubramani, learned counsel for the respondents 1 to 3. Despite service of notice on the fourth respondent and his name appears in the cause list, there is no representation for him either in person or through a counsel.

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3. Though this petition is strongly opposed by the learned counsel for the respondents 1 to 3, considering the facts and circumstances of the case, this Court is inclined to allow the petition by putting the petitioner on terms.

4. Accordingly, the petition is ordered and the delay is condoned, subject to the condition that the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only), either by way of Demand Draft or Pay Order, in favour of the first respondent within two weeks from today and file a memo to that effect before the Registry, failing which, the petition shall stand automatically dismissed without any further reference to this Court. On receipt of the memo, the Registry is directed to number the Civil Miscellaneous Appeal, if the papers are otherwise in order, and list it for admission printing the name of Mr.K.Balasubramani, learned counsel for the respondents 1 to 3.

sd/-

22/09/2020

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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 PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, KARUR.

COPY TO: THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.9580 of 2019
in
CMA(MD) SR.No.69937 of 2019
Date :22/09/2020

sj

AE/JC/SAR-I (25.09.2020) 2P 3C

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