



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Friday, the Twenty Seventh day of August Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE T.RAJA

AND

THE HON`BLE MRS JUSTICE T.V.THAMILSELVI

CMP.NO.13287 of 2021

IN CMA.SR.NO.25172 of 2021

1 ALAGESAN [PETITIONERS]
2 JOTHIMANI
3 SATISHKUMAR

4 MINOR ABIRAMI
D/O.ALAGESAN
(MINOR REP BY NEXT
FRIEND/GUARDIAN/FATHER ALAGESAN)

Vs

1 SAYEDBARAK [RESPONDENTS]

2 BHARATHI AXA GENERAL INSURANCE
CO LTD., DHIVYA TRADE CENTER, 1ST FLOOR,
NO.11 BHIRUDHAVANAM ROAD,
FOURLANDS, SALEM-16.

**(THE RESPONDENT-1 REMAINED SET EX-PARTE BEFORE TRIBUNAL, HENCE
NOTICE MAY BE DISPENSE WITH FOR R-1 IN THIS CMP)**

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order for exemption of court fee for a sum of Rs.31,878/- in the above Appeal in CMA.SR.No.25172 of 2021 (IN CMP.NO.13287/2021) pending disposal of the CMA.SR.NO.25172 of 2021

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.MA.P.THANGAVEL, Advocate for the petitioner the court made the following order:-

(Order of the Court was delivered by T.RAJA,J.)

The Civil Miscellaneous Petition has been filed seeking exemption of court fee for a sum of Rs.31,878/- in the above appeal.



2. Learned Counsel appearing for the petitioners would submit that it is a very pathetic case in which the bread winner of the family died in an accident that occurred on 30.12.2015 and thereafter, the legal heirs made a claim before the Motor Accidents Claims Tribunal, Salem, claiming a sum of Rs.40,00,000/- towards compensation under various heads mentioned therein. But the learned Tribunal has awarded only a sum of Rs.17,39,652/-. Ironically, the family members have incurred a sum of Rs.9,00,000/- towards medical expenses alone to save the life of the deceased. But sadly, the treatment could not give any helping hand, as a result, he succumbed to the injuries. There are four claimants, namely, father, mother, younger brother and younger sister of the deceased. As they are not having sufficient money to pay the court fee to prosecute the appeal for enhanced compensation, they have moved this petition seeking exemption of court fee. The learned Counsel would further submit that the petitioners have also undertaken to pay the court fee if just and sufficient compensation is awarded. Therefore, the present CMP. may be allowed.

3. Having satisfied with the reasons stated in the affidavit filed in support of the petition, more particularly, the fact that the petitioners have undertaken to pay the court fee, in case, just and sufficient compensation is awarded to them, we are inclined to allow the present Petition.

4. In the result, the Civil Miscellaneous Petition is allowed as prayed for.

-sd/-
27/08/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL DISTRICT JUDGE
MOTOR ACCIDENT CLAIMS TRIBUNAL, SALEM

Order

in
CMP.NO.13287 of 2021
IN CMA.SR.NO.25172 of 2021

Date :27/08/2021

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