



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Sixteenth day of September Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE ABDUL QUDDHOSE

CMP.No.10046 of 2020

IN CMA.NO.3393 of 2008

H.SRINIVASALU

[PETITIONER]

Vs

1 R.MURUGESAN

[RESPONDENTS]

2 THE NEW INDIA ASSURANCE CO.LTD,
NO.80 ARCOT ROAD, PORUR,
CHENNAI-116.

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 338 days in filing application to set aside the order dated 03/09/2019 in CMA.No. 3393/2008 in restoring the above appeal and permit the petitioner herein to present the above appeal on merits before this Honble Court.(IN CMP.NO.10046/2020)

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 M/S.AMAR DINESHBHAI PANDIYA, Advocate for the petitioner and of MR.J.CHANDRAN, Advocate for the Respondents, the court made the following order:-

This petition has been filed to condone the delay of 338 days in filing an application to set aside the order dated 03.09.2019 in CMA.No.3393 of 2008 in restoring the above appeal and to permit the petitioner to present the above appeal on merits.

2. Learned counsel for the second respondent has not raised any serious objection for allowing this petition. However, he would submit that the petitioner is not entitled for any interest for the delayed period.

3. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.



4. After recording the submissions of the respective counsels, this civil miscellaneous petition is allowed as prayed for.

5. Registry is directed to number the application filed by the petitioner to restore the appeal which was dismissed for default on 03.09.2019 in CMA.No.3393 of 2008 and list the same for hearing on 01.10.2021.

6. However, it is made clear that for the delay period of 338 days, the petitioner /claimant is not entitled for any interest, in the event of any enhancement made by this Court.

-sd/-

16/09/2021

/ TRUE COPY /

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

TO

THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TRIVALLUR.

Order
in

CMP.No.10046 of 2020

IN CMA.NO.3393 of 2008

Date :16/09/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
TP (22/09/2021)