



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

**Friday, the Sixteenth day of April Two Thousand and Twenty One
PRESENT**

The Hon'ble Mr. Justice K. KALYANASUNDARAM

CMP(MD).Nos.1954 and 1956 of 2021

in

CMA(MD).Nos.755 and 832 of 2008

Muthunatchi ...Petitioner/Appellant in CMP(MD).No.1954 of
2021 in CMA(MD).No.755 of 2008

1. Petchiammal
2. A Mala
3. Meenakshi
4. Minor.Rakku
5. Sangari
6. Minor.Periasamy
7. Minor.Chinnathambi
8. Minor.Athimoolam

(Minor Petitioners 4 and 6 to 8 Rep. Through Her Mother and Natural
Guardian the 5th Petitioner)

...Petitioners/Appellants in CMP(MD).No.1956 in
CMA(MD).No.832 of 2008

Vs

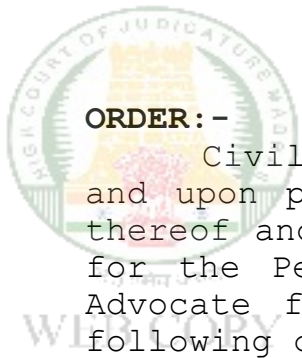
- 1 Chinna Murugan
- 2 The National Insurance Company Limited.,
Through its Divisional Manager Branch II,
8A, Yanaikkal Street,
Hotel President Building,
Madurai. ...Respondents/Respondents in both cases

Common Prayer in CMP(MD).Nos.1954 and 1956 of 2021 :-

Civil Miscellaneous Petitions are filed under Order 41 Rule 19
and Section 151 of Civil Procedure Code, praying this Court to
restore the Appeal in C.M.A(MD).Nos.755 and 832 of 2008 which was
dismissed for default on 14-12-2020 respectively.

Common Prayer:

Civil Miscellaneous Appeals filed under Section 173 of Motor
Vehicles Act 1988 against the award and Judgment dated 21.09.2007
passed in M.C.O.P.Nos.1917, 1981 of 2002 on the file of Motor
Accident Claims Tribunal (III Additional District and Sessions,
Court (PCR Court), Madurai respectively.



ORDER: -

Civil Miscellaneous Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.Kumaravel, Advocate for the Petitioner in both cases and of Mr.R.Srinivasa Raghavan, Advocate for the respondents in both cases, this Court made the following order:

C.M.P(MD)No.1954 of 2021 has been filed to restore the appeal in C.M.A(MD)No.755 of 2008, which was dismissed for default on 14.12.2020 by this Court.

2.C.M.P(MD)No.1956 of 2021 has been filed to restore the appeal in C.M.A(MD)No.832 of 2008, which was dismissed for default on 14.12.2020 by this Court.

3.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4.Mr.S.Srinivasa Raghavan, learned counsel appearing for the second respondent/Insurance Company has no serious objection for allowing these applications.

5.Being satisfied with the reasons stated in the affidavits filed in support of these Petitions, these Petitions are allowed and C.M.A(MD)Nos.755 and 832 of 2008, which was dismissed for default on 14.12.2020, are restored to file.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

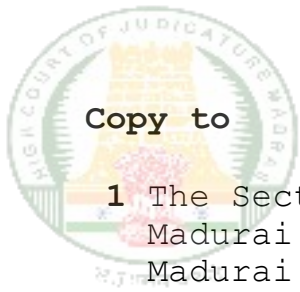
Sub Assistant Registrar(CS)

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 Motor Accident Claims Tribunal,
III Additional District and Sessions Judge,
(PCR Court), Madurai.



Copy to

1 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court,
Madurai. (Restoration)

2 The Record Keeper, Vernacular Section, (2C)
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 16/04/2021

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Restoration

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CMP(MD).Nos.1954 and 1956 of 2021
in
CMA(MD).Nos.755 and 832 of 2008
Giving direction and etc.
as stated within.

KB(26.04.2021) 3P 5C