



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

Tuesday, the Second day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P(MD)No.1810 of 2021

in

C.M.A. (MD)SR.No.9660 of 2021

P.RAJENDRAN

... PETITIONER/APPELLANT

Vs

1 S.SARASA

2 THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY,
BR-II, NO.312, J.N.STREET,
PONDICHERY-605 001.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 2074 days in preferring the above Civil Miscellaneous Appeal against the Judgment and decree in M.C.O.P.No.1330 of 2006 on the file of Motor Accident Claim Tribunal Cum V Additional District Judge, Madurai Dated 10.02.2015.

PRAYER IN C.M.A. (MD)SR.No.9660 of 2021:

To set aside the award passed in M.C.O.P.No.1330 of 2006 on the file of Motor Accident Claims Tribunal cum V Additional District Judge, Madurai dated 10.02.2015.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.S.KARTHIKEYAN, Advocate for the petitioner, the Court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 2074 days in filing the above Civil Miscellaneous Appeal.

2.The learned counsel for the petitioner would submit that because of the injury sustained by the petitioner, he was not able to file an appeal in time. He further submitted that though entire amount has been deposited, the petitioner has not received single amount till date.



3.Considering the reasons stated in the affidavit filed in support of the petition and by applying the principle laid down in the Judgment reported in **Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & others, [2013 (5) CTC 547 (SC) : 2013 (5) LW 20]**, this Court is inclined to condone the delay subject to the payment of cost of Rs.2,000/- (Rupees two thousand only) to the Legal Aid Service Authority, attached to this Bench, within a period of two weeks from the date of receipt of copy of this order, failing which the petition shall stand dismissed automatically without any further reference to this Court.

4.This petition is accordingly ordered.

5. In the event of payment of cost, the Registry is directed to number the appeal, if it is otherwise in order and list the same "for admission".

sd/-
02/03/2021

/ TRUE COPY /

/ /2021
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 V ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, MADURAI.

COPY TO : THE AUTHORISED OFFICER,
LEGAL AID SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.N.S.KARTHIKEYAN, Advocate (SR-1722[I] dated 03/03/2021)

ORDER IN
CMP(MD) No.1810 of 2021 in
C.M.A.(MD)SR.No.9660 of 2021
Date :02/03/2021

msa
AE/JC/SAR-IV (05/03/2021) 2P / 4C