



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Twenty Third day of September Two Thousand and Twenty One

WEB COPY

PRESENT

**The Hon'ble Mr.Justice V.BHARATHIDASAN
and
The Hon'ble Mrs.Justice J.NISHA BANU**

CMP(MD) No.7048 of 2021
in
CMA(MD) SR No.37958 of 2021

1. SHENBAGAVALLI
2. MINOR.R.DHARSANA SRINITHI
3. MANI

MUTHULAKSHMI (DIED)

... PETITIONERS/APPELLANTS

Vs

1. M.SIVAKUMAR
2. HDFC ERGO GENERAL INSURANCE COMPANY LIMITED,
3RD FLOOR, THIRIPURA ARCADE NO.75 A,
THIRUVANANTHAPURAM HIGH ROAD,
PALAYAMKOTTAI, TIRUNELVELI-627 002.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to exempt the petitioner from paying the Court Fee of Rs.2,10,487/- in the above appeal. and thus render justice.

PRAYER IN CMA(MD) SR No.37958 of 2021 :

To set a side the judgment and decree dated 27.01.2021 passed in MCOP No.541 of 2016 on the file of the Motor Accident Claims Tribunal (1st Additional District Judge), Thoothukudi.

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 M/S.I.ROBERT CHANDRAKUMAR, Advocate for the petitioner and of MR.J.S.MURALI, Advocate on behalf of the 2nd Respondent, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>



[Order of the Court was made by V.BHARATHIDASAN, J.]

These petitioners have filed this application seeking exemption from paying the Court fee of Rs.2,10,487/- in the appeal.

2. The appellants are the claimants in M.C.O.P.No.541 of 2012, on the file of I Additional District Judge, Thoothukudi. The Motor Accident Claims Tribunal, by judgment dated 27.01.2021, awarded a sum of Rs.2,11,16,400/-. However, since the driver of the offending vehicle is not having the licence, the liability is fixed on the owner of the vehicle. Challenging the above award, the present appeal has been filed.

3. The learned counsel appearing for the appellants would submit that since the liability is fixed on the owner of the vehicle and he was remained ex-parte, so far the award amount not deposited by him. The deceased was the sole breadwinner of the family and the claimants are struggling to lead their life, and they have no means and they are not in a position to pay the necessary Court fee for filing this appeal.

4. Mr.J.S.Murali, learned counsel appearing for the second respondent has no serious objection for allowing this petition.

5. Considering the fact that the claimants lost their sole breadwinner and they have no means to pay the Court fee and admittedly, so far the award amount was also not payable, this application is ordered.

sd/-
23/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE 1ST ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
THOOTHUKUDI.

ORDER
IN
CMP(MD) No.7048 of 2021 in
CMA(MD) SR No.37958 of 2021
Date :23/09/2021

USK/JM/SAR-IV/ (30.09.2021) 2P-2C

<https://hcservices.ecourts.gov.in/hcservices/>