



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

Friday, the Twenty Ninth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.5477 of 2020

and

C.M.A. (MD) SR.No.35022 of 2020

THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LIMITED.,
ASR RESIDENCY (1ST FLOOR),
NEAR TELEPHONE EXCHANGE, NGO COLONY,
STC COLLEGE ROAD, PERUMALPURAM,
TIRUNELVELI - 627 007.

... APPELLANT/ PETITIONER

Vs

1 N.SUMATHI
2 N.PRABHU (DIED)
3 SHANTHI
4 MINOR.NILA PRASANYA
5 MINOR.NIHIL VIJAYAN,
(Minor Respondents 4 & 5 are represented
Through her Mother and Guardian, the
3rd Respondent herein)

6 RAHAMATH ALI

... 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 204 days in filing this appeal and order to take the appeal on file and pass such other appropriate order as this honourable court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER IN C.M.A. (MD) SR.No.35022 of 2020:

To set aside the award passed in M.C.O.P.No.97 of 2014, on the file of the MACT Additional District Judge, Srivilliputhur, and allow this Appeal.

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.A.S.MATHIALAGAN, Advocate for the petitioner and of Mr.M.JOTHI BASU, Advocate for the 1st Respondent and Respondents 3 to 6 not appeared either in person or by an advocate, the court made the following order:-



This petition has been filed by the petitioner seeking to condone the delay of 204 days in filing the above Civil Miscellaneous Appeal.

2.The learned counsel for the respondents has no objection to allow this petition. Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to condone the delay subject to the payment of cost of Rs.1000/- (Rupees 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.

3.This petition is accordingly ordered.

4. 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/-
29/01/2021

/ 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 ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
SRIVILLIPUTHUR.

COPY TO:

THE OFFICER INCHARGE,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CMP(MD) No.5477 of 2020 in
C.M.A. (MD)SR.No.35022 of 2020
Date :29/01/2021

MS/VR/SAR-1/03.02.2021/2P.3C

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