



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

Thursday, the Seventh day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.7410 of 2020

IN

CMA(MD)NO.SR 53562 of 2015

KOTHAR ALI

... PETITIONER/APPELLANT

Vs

1 DERIN

2 UNITED INDIA INSURANCE COMPANY LIMITED,
THORUGH ITS BRANCH MANAGER,
NO.560 X, KANDAN COMPLEX 2ND FLOOR,
OPP.TO NEW BUS STAND,
VALLIYOOR.

... 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 1374 days in representing the above Civil Miscellaneous Appeal in C.M.A(MD).No.SR.No.53562 of 2015.

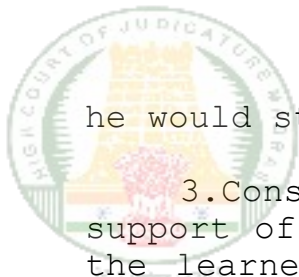
PRAYER IN CMA(MD) .No.SR.No.53562/2015:

To allow this appeal consequently enhance the award Amount in M.C.O.P.No.666 of 2014 on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Tirunelveli dated 01.06.2015.

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 M/S.T.SELVAKUMARAN, Advocate for the petitioner, the Court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 1374 days in representing the above Civil Miscellaneous Appeal.

2.The learned counsel for the petitioner appeared before this Court and he would state that he had been admitted in the hospital and therefore, he was not able to do his practice for some time and therefore, was not able to file the petition in time. He would further state that for his mistake, the party should not suffer and



he would state that he is willing and ready to pay cost.

3. Considering the reasons stated in the affidavit filed in support of the petition and also considering the submission made by the learned counsel for the petitioner, this Court is inclined to condone the delay subject to the payment of cost of Rs.5,000/- (Rupees Five Thousand only), to the Legal Aid Service Authority, attached to this Bench, within a period of four weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without any further reference to this Court. Accordingly, this petition is 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" forthwith.

sd/-
07/01/2021

/ TRUE COPY /

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

TO

THE SPECIAL SUBORDINATE JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

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

ORDER
IN
CMP(MD) No.7410 of 2020 IN
CMA(MD)NO.SR 53562 of 2015
Date :07/01/2021

GNS
PK/SMA/SAR-IV/18.01.2021 : 2P/3C