



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.P(MD)No.11804 of 2019

in

C.M.A(MD) SR.No.75178 of 2019

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Poongodi

... Appellant/Petitioner

Vs.

1. Deepa

2. The Manager,

National Insurance Company Limited,
Sangari, Salem District.

....Respondents/Respondents

Prayer in C.M.P(MD).No.11804 of 2019: This petition is filed under Section 5 of Limitation Act, to condone the delay of 110 days in filing the above civil miscellaneous appeal.

Prayer in C.M.A(MD) SR.No.75178 of 2019: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988, to set aside the judgment and decree 26.02.2019 made in I.A.No.877 of 2018 in unnumbered M.C.O.P.No.78 of 2018 on the file of the learned Chief Judicial Magistrate Court, Virudhunagar District.

For Petitioner : Mr.P.Ganapathy Subramanian
For Respondents : Mr.D.Sivaraman for R2

ORDER

This Civil Miscellaneous Petition has been filed to condone the delay of 110 days in filing the C.M.A(MD).SR.No.75178 of 2019.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that inadvertently, he has not paid the cost as directed by this Court, by order dated 08.02.2021 and hence, he seeks to extend the time to pay the cost.

3. Admittedly, CMP(MD).No.11804 of 2019 in C.M.A.(MD) SR.No.75178 of 2019, seeking to condone the delay of 110 days in filing the above appeal was allowed on 08.02.2021, on condition to pay a sum of Rs.1,000/- to the credit of the Secretary, Legal Aid Service Authority, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of copy or otherwise the petition stand automatically dismissed. So as on date the petition for condonation of the delay is dismissed and therefore, extension to pay the cost cannot be granted.



4. Accordingly, this civil miscellaneous petition is dismissed with the liberty to file appropriate application.

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// True Copy //

Sd/-

Assistant Registrar (AS)

/ /2021

Sub Assistant Registrar(CS)

pkn

To

The Chief Judicial Magistrate,
Virudhunagar District.

C.M.P (MD) No.11804 of 2019

in

C.M.A (MD) SR.No.75178 of 2019

11.03.2021

VB (23.03.2021) 2P 2C