



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

Wednesday, the Third day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.11922 of 2019
and
CMA.(MD)SR.No.83089 of 2019

1 S.NICHOLUS (DIED)

2 MAILCY

... PETITIONER/APPELLANT

Vs

1 ROBERTSON

2 NATIONAL INSURANCE COMPANY LIMITED,
REPRESENTED THROUGH ITS BRANCH MANAGER,
OFFICE AT NAGERCOIL, NAGERCOIL VILLAGE,
AGASTHEESWARAM TALUK,
KANYAKUMARI DISTRICT.

... RESPONDENTS/RESPONDENTS

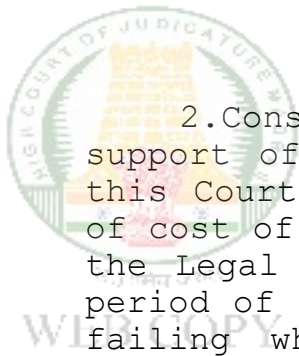
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 521 days in filing CMA(MD)SR.No.83089 of 2019

PRAYER IN CMA.(MD)SR.No.83089 of 2019:

To enhance the compensation by modifying the award dated 12.03.2018 passed in M.C.O.P.No.39 of 2008 on the file of the Motor Accidents Claims Tribunal, II Additional Subordinate Judge at Nagercoil, Kanyakumari District, in so far as it related to the enhancement of compensation as awarded is concerned, by allowing the Civil Miscellaneous Appeal and to grant such other relief or reliefs that this Honourable Court may deem fit and proper in the circumstances of the case.

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.G.ARAVINTHAN, Advocate for the petitioner and of MR.N.S.RAMAKRISHNADOSS, Advocate on behalf of the 2nd Respondent and Not appeared for R1 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 521 days in filing the above Civil Miscellaneous Appeal.



2.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.1,500/- (Rupees one thousand and five hundred 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/-
03/02/2021

/ 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 II ADDITIONAL SUBORDINATE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
NAGERCOIL, KANYAKUMARI DISTRICT.

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

ORDER
IN
CMP(MD) No.11922 of 2019
and
CMA.(MD) SR.No.83089 of 2019
Date :03/02/2021

msa
JM/VR/SAR III/08.02.2021/2P/3C