



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

Monday, the Eighth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.12212 of 2019
in
CMA(MD) SR.No.84962 of 2019

SWORNA SUNDARI

... PETITIONER/APPELLANT

Vs

1.RAJASEKHAR

2.THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD,
II FLOOR, XAVIER BUILDING,
ASSISI CAMPUS, PWD OFFICE ROAD,
NAGERCOIL AND VILLAGE,
AGASTEESWARAM TALUK, KANYAKUMARI DISTRICT.

3.GANESAPATHY

4.THE BRANCH MANAGER,
THE UNITED INDIA INSURANCE CO.LTD.,
D.NO.48-A-9, 6-1,
LEELA BALAN COMPLEX, I FLOOR,
VIVEKANANTHAPURAM, KANYAKUMARI-629 702,
AGASTEESWARAM 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 406 days in filing the Civil Miscellaneous Appeal.

PRAYER IN C.M.A(MD) SR.No.84962 of 2019:

Pleaded to enhance the compensation by modifying the award dated 19.06.2018 passed in M.C.O.P.No.106 of 2016 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Nagercoil, Kanyakumari Distrit, in so for as it related to the enhancement of compensation as awarded is concerned, by allowing the Civil Miscellaneous 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.G.ARAVINTHAN, Advocate for the



petitioner and Mr.K.SIVABALAN, Advocate for 3rd Respondent, and of Not Appeared either in person or by an Advocate for 1, 2 and 4th Respondent, the court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 406 days in filing the above Civil Miscellaneous Appeal.

2. Learned counsel for the petitioner would submit that though, notice has been served and liability was fixed against the 1st respondent, he has not even deposited the amount ordered by the Court below. This appeal has been filed for enhancement.

3. Considering the facts and circumstances and 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.2,000/- (Rupees Two Thousand only) to the Legal Services Committee, attached to this Bench, within a period of two 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.

4. This petition is accordingly ordered.

5. 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/-
08/02/2021

/ TRUE COPY /

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

TO
THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
NAGARCOIL, KANYAKUMARI DISTRICT.

COPY TO:

THE AUTHORISED OFFICER,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDERIN
CMP(MD) No.12212 of 2019
in
CMA(MD) SR.No.84962 of 2019
Date :08/02/2021