



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.3617 of 2019

Devaraj @ S.Prem Kumar

...Appellant

Vs

Deputy Controller of Stores
Shell Division
Integral Coach Factory,
Chennai - 600038.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and decree dated 13.08.2018 made in M.A.C.T.O.P.No.5979 of 2013 on the file of the Hon'ble IV Small Causes Court, Chennai.

For Appellant : Mr.K.V.Muthu Visakan

For Respondent : Mrs.A.Sri Jayanthi
Standing Counsel

JUDGEMENT

It is informed by Mrs.A.Sri Jayanthi, Standing Counsel appearing for the respondent that since the order in M.A.C.T.O.P.No.5979 of 2013 dated 13.08.2018, which is the subject matter of this appeal, is an ex parte award, the respondent has filed an application in M.P.No.2962 of 2019 to condone the delay of 380 days in filing an application to set aside the ex parte order. The matter is now posted on 30.03.2022.

2. The learned counsel appearing for the appellant has no objection to the delay being condoned and the award being set aside subject to the time frame being fixed for disposing of the petition considering the fact that MACTOP is of the year 2013.

3. Therefore, the Civil Miscellaneous Appeal is disposed of with the following directions:

On 30.03.2022, the applications in M.P.Nos.2962 and 2963 of 2019 shall be allowed on the no objections given by the appellant. On the very same day, the respondent herein shall file their counter and within



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a month there from i.e., on or before 30.04.2022 the MACTOP shall be disposed of by the learned IV Small Causes Judge, Chennai.

4. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

The IV Small Causes Judge,
Chennai.

Copy To:

The Section Officer,
V.R Section
High Court, Madras.

+1cc to Mr.K.V.Muthu Visakan, Advocate, S.R.No.18056
+1cc to Mrs.A.Sri Jayanthi, Advocate, S.R.No.17626

C.M.A.No.3617 of 2019

AJB (CO)
SB(17/03/2022)