

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

MP No.1 of 2012
IN CMA.2728/2009

1 Subramani ... Petitioner/Appellant
Vs

1 Delhi babu

2 The Divisional Manager
United India Insurance Company Ltd.,
No. 46, Katpadi Road, Vellore.

... Respondents/Respondents

Prayer:-

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore CMA 2728/2009 which was dismissed for non-prosecution on 29/10/2012 CMA 2728/2009 (Prayer) This memorandum of Grounds of Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act 1988, against the Judgment and decree dated 12/02/2007 made in MACT OP No.884/2003 on the file of motor Accident claims Tribunal (Principal Subordinate Judge) Thiruvannamalai.

ORDER :

This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof on the file of the High Court and in the presence of M/s A.Subadra M/S. M. Malar, Advocate for the petitioner and M/S. J.Chandran, Advocate on behalf of the 2nd Respondent and the first respondent has been set exparte in Tribunal below and the court made the following order:-

This Miscellaneous Petition has been filed to set aside the order dated 29.10.2012 made in C.M.A.No.2728 of 2009, which was dismissed for non-prosecution and restore the Civil Miscellaneous Appeal to file.

2.Mr.J.Chandran, learned counsel appearing for the 2nd respondent submitted that the 2nd respondent has no objection for ordering this petition.

3. Recording the no objection given by the learned counsel appearing for the 2nd respondent, this Civil Miscellaneous Petition is ordered and C.M.A.No.2728 of 2009 is restored to file.

4. After filing this petition, the petitioner has not taken any steps from the year 2012. When the matter was taken up for hearing on 04.03.2013, there was no representation for the petitioner and hence, this Court directed the Registry to list the Miscellaneous Petition on 18.03.2013. Subsequently, it was not listed and the petitioner has not taken any steps to list the matter to restore the Civil Miscellaneous Appeal. In view of the same, the petitioner is not entitled to any interest for the period from date of dismissal of the Civil Miscellaneous Appeal to till date.

5. The learned counsel appearing for the appellant is directed to serve typed set of papers to the learned counsel for the 2nd respondent. Post the Civil Miscellaneous Appeal for final hearing on 11.01.2022.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

TO

1. The Principal Subordinate Judge
Motor Accident Claims Tribunal Thiruvannamalai.
2. The Section Officer,
Judicial / VR, Section,
High Court, Madras-104.

+1cc to Mr.J.Chandran , Advocate, S.R.No.2596 (29/04/2022)

Order

MP.1/2012
CMA.2728/2009
Date :06/01/2022

Giving Directions etc.,as
Stated within.

AK-II(CO)
CT 20/01/2022

