



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Thirteenth day of September Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CMP(MD) . No.1471 of 2022

in C.M.A(MD) .NO.448/2020

1.Kaliammal

2.Minor Jeyapandeeswari

3.Minor Muthupandeeswari

4.Guruvammal

(Minors 2 and 3 Petitioners
through their guardian and
mother 1st Petitioner).

... Petitioner/Appellants

-Vs-

1 Subramanian

2 The Branch Manager,
National Insurance Co. Ltd,
Thoothukudi.

3 Ganesan,
(3rd Respondent Impleaded by Lower Court).

... Respondents/Respondents

Prayer in CMP(MD) . No.1471 of 2022 in C.M.A(MD) .NO.448/2020 :

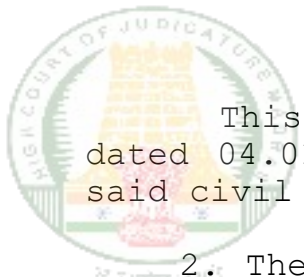
Civil Miscellaneous Petition filed under Order 41 Rule 19 of
C.P.C., to please to set aside the dismissal order dated 04.01.2022
passed in CMA(MD) No. 448 of 2020 and restore the said Civil
Miscellaneous Appeal and thus render justice.

Prayer in C.M.A(MD) .NO.448/2020 :

Civil Miscellaneous Appeal filed U/s 173 of the Motor
Vehicles Act to allow the appeal and set aside the judgment and
decree dated 04.08.2015 made in M.C.O.P. No. 183 of 2010 on the file
of the learned Motor Accident Claims Tribunal (Chief Judicial
Magistrate), Virudhunagar at Srivilliputtur and thereby award
Compensation of Rs. 10,00,000 (Rupees Ten Lakhs only) with interest
by allowing the said original petition and thus render justice.

ORDER:-

This Petition coming on for orders on this day and upon
perusing the petition and the affidavit filed in support thereof and
upon hearing the arguments of Mr. S.Muniyandi, Advocate for the
Petitioner and of Ms. P.Malini, for the 2nd Respondent this Court
made the following order,



This petition has been filed to set aside the dismissal order dated 04.01.2022 passed in CMA(MD) No.448 of 2020 and restore the said civil miscellaneous appeal.

2. The learned counsel for the second respondent does not have any objection for allowing the petition.

3. Being satisfied with the reasons stated in the affidavit filed in support of the petition, this Civil Miscellaneous Petition is allowed and CMA(MD) No.448 of 2020 is restored to file.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

TO

1. The Motor Accident Claims Tribunal (Chief Judicial Magistrate), Virudhunagar at Srivilliputtur

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 13/09/2022

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RESTORE
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CMP(MD) . No.1471 of 2022
IN
C.M.A(MD) 448 OF 2020

Giving direction and etc.
as stated within.

SS/19/09/2022/ 2P 3C