



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

Tuesday, the Eleventh day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP (MD) No.1332 of 2021

IN

CMA (MD) No.1277 of 2015

1 GANESAN (DIED)

... APPELLANT IN CMA

2 SIVASANKARI

3 RAJAPRIYADHARSHINI

4 MINOR.SRIRAM

(REPRESENTED BY HIS MOTHER AND GUARDIAN
SIVASANKARI)

... 2 TO 4 PETITIONERS/
LEGAL REPRESENTATIVE OF DECEASED 1st APPELLANT

Vs

1 NATARAJAN

2 JAYALAKSHMI

... RESPONDENTS/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 1187 days in filing petition to set aside the abatement on the death of the sole Appellant in the Civil Miscellaneous Appeal.

PRAYER IN CMA(MD) .1277/2015:

Pleased to call for the records and set aside the award dated 19.03.2015 in MCOP.No.44 of 2014 on the file of Motor Accident Claims Tribunal cum Chief Judicial Magistrate Court, Kumbakonam and allow this appeal with cost throughout.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and

<https://www.mhc.tn.gov.in/judis>



upon hearing the arguments of M/S.H.LAKSHMI SHANKAR, Advc or the petitioners, the court made the following order:-

This petition has been filed to condone the delay of 1187 days in filing the petition to set aside the abatement on the death of the sole appellant in the Civil Miscellaneous Appeal.

2.Records perused. It is seen that the first respondent is also reported dead. In the above circumstances, for taking steps for the first respondent, the presence of the appellant is necessary. Hence, this Civil Miscellaneous Petition is allowed on condition that the petitioners are not entitled to claim interest for the default period.

sd/-

11/10/2022

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/10/2022

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

TO

THE CHIEF JUDICIAL MAGISTRATE
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KUMBAKONAM.

ORDER

IN

CMP (MD) No.1332 of 2021

IN

CMA (MD) No.1277 of 2015

Date :11/10/2022

vsd

SA/VR/SAR.1/17.10.2022/2P/2C