



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

Monday, the Third day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMP(MD) No.5986 of 2021
in
C.M.A(MD) SR.No.9844 of 2015

1 SAMSALKUTHA
2 ANEES FATHIMA
3 NOORUL HALIK

... PETITIONERS/ APPELLANTS

Vs

1 K.PANEERSELVAM

2 UNITED INDIA INSURANCE COMPANY,
PERAMBALUR REP BY ITS,
MANAGER,
PALLIVASAL STREET,
PERAMBALUR.

3 SHARMILA BANU
4 JASMIN BANU
5 ZIAVUDEEN

... 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 5169 days in representing the returned papers in CMA. Sr. No.9844 of 2015 on the file of this Hon'ble Court.

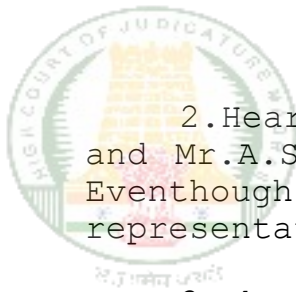
PRAYER IN C.M.A(MD) SR.No.9844 of 2015:

To modify the judgment and decree dated 31.03.2003 made in MCOP 157 of 2011 on the file of Motor Accidents Claims Tribunal, The Additional District Court cum sessions Judge and Chief Judicial Magistrate, Thanjavur.

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.S.SIVA THILAKAR, Advocate for the petitioners and of Mr.A.S.MATHIALAGAN, Advocate for the 2nd Respondent and Respondents 1, 3 and 4 not appeared either in person or by an advocate, the court made the following order:-

This Civil Miscellaneous Petition has been filed to condone the delay of 5169 days in re-presenting the returned papers in CMA(MD) SR.No.9844 of 2015.

<https://hcservices.ecourts.gov.in/hcservices/>



2. Heard Mr.S.Sivathilakar, learned counsel for the petitioners and Mr.A.S.Mathialagan, learned counsel for the second respondent. Eventhough R1, R3 and R4 names were printed there is no representation on behalf of them.

3. The learned counsel for the petitioners is stated in the affidavit that the relevant papers were mingled with the other papers in advocate office in Chennai and thereafter, due to the formation of this Bench, the above matter was entrusted to this Court, so the papers were handed over to another counsel to look after the case. However, the counsel misplaced the bundle and the same bundle could not be traced out. The returned sheet was also missing in the office, after much effort, putting the papers were traced out.

4. The reasons stated by the learned counsel for the petitioners is not acceptable and the delay was very huge, this Court is not inclined to allow the petition.

5. Accordingly, the Civil Miscellaneous petition is dismissed. However, liberty is given to the petitioners to file a fresh petition before the Principal Seat.

sd/-

03/01/2022

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/ /2022

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

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO
THE ADDITIONAL DISTRICT JUDGE CUM SESSIONS JUDGE
AND CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
THANJAVUR.

+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-130[F] dated 04/01/2022)
+1 CC to M/s.A.S.MATHIALAGAN, Advocate (SR-404[F] dated 05/01/2022)

ORDER IN
CMP(MD) No.5986 of 2021 in
C.M.A(MD) SR.No.9844 of 2015
Date :03/01/2022

vsd

<https://hdsrvtce.org.in/ncs-services/1.2022/2P.4C>