



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

Wednesday, the Fourteenth day of September Two Thousand and
Twenty Two

WEB COPY

PRESENT

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

C.M.P. (MD) .No.6563 of 2019
in
CMA (MD) .No.569 of 2004

1 K.DURAISAMY (DIED)

2 D.GOWRI

3 D.KANAGASABAPATHY

4 KARUNJAMI

5 RAMAYEE

... PETITIONERS/APPELLANTS

Vs

1 P.THIRUMURTHY

2 THE NEW INDIA ASSURANCE CO.LTD.,,
K.V.R.COMPLEX, II FLOOR, 80 FEET ROAD,
SENGUNTHAPURAM, KARUR -2.

... 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 1167 days in restoration of CMA(MD). No. 569 of 2004 dated 05.04.2016 and thus render justice.

PRAYER IN CMA(MD).No.569 of 2004:

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and decree, dated 12.08.2003 and made in M.C.O.P.No.2 of 2003, on the file of Motor Accidents Claims Tribunal(Sub Court), Karur in so far as absolving the Insurance company the second respondent herein and for enhancement.

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 M/S.T.SELVAKUMARAN, Advocate for the petitioners and not appeared for the respondent either in person or through by an advocate on behalf of the Respondent No.2, the court made the following order:-



This petition has been filed to condone the delay of : /s in filing the restoration petition in CMA(MD).No.569 of 2004, dated 05.04.2016.

2. Heard the learned counsel appearing for the petitioner. There is no representation on behalf of the second respondent.

3. This petition is allowed and the delay is condoned on payment of cost of Rs.2,000/- (Rupees Two Thousand only) to Rojavanam, Home for Old Aged, Melur Road, Uthangudi, Ulaganeri, Madurai - 625 107, on or before 16.09.2022.

4. Post for compliance on 19.09.2022.

sd/-
14/09/2022

/ TRUE COPY /

/09/2022

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

trp

TO

THE SUBORDINATE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, KARUR.

COPY TO

THE OFFICER IN CHARGE,
ROJAVANAM, HOME FOR OLD AGED,
MELUR ROAD, UTHANGUDI, ULAGANERI,
MADURAI - 625 107.

ORDER
IN
C.M.P. (MD) .No.6563 of 2019
in
CMA(MD) .No.569 of 2004
Date :14/09/2022

RK/VRS/SAR-II(15/09/2022) 2P/3C