



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

Tuesday, the Fourth day of January Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CMP (MD) No.9883 of 2021

IN

CMA (MD) SR.No.54683 of 2021

THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
MICRO OFFICE, NATTANMAI COMPLEX,
D.NO. 213/18, ODAIKARAI STREET, CUMBUM,
THENI DISTRICT.

... PETITIONER/APPELLANT

Vs

1 C.SELVARANI
2 C.SELVI
3 C.RAJATHI
4 G.RAJENDRAN
5 T.BAMINI

6 THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE COMPANY LTD.,
D.NO.1449/402, TENKASI ROAD,
RAJAPALAYAM, - 626117,
VIRUDHUNAGAR DISTRICT.

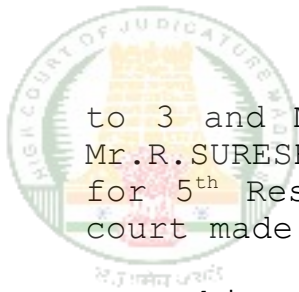
... RESPONDENTS/RESPONDENTS

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 933 days in filing the appeal against the award in M.C.O.P. No. 173 of 2018 on the file of Motor Vehicle Accident Claims Tribunal / Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur dated 12.03.2019 pending disposal of the Civil Miscellaneous Petition.

PRAYER IN CMA(MD) SR.No.54683/2021:

To set aside the Fair and decreetal Order dated 12.03.2019 made in M.C.O.P.No.173 of 2018 on the file of Motor Vehicle Accident Claims Tribunal/Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur and allow the appeal.

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.S.ROYCE IMMANUEL, Advocate for the petitioner and of Mr.M.ASHOKKUMAR, Advocate for the Respondents No.1



to 3 and Mr.M.THIRUNAVUKARASU, Advocate for the 4th Respondent and Mr.R.SURESH KUMAR, Advocate for the 6th Respondent and not appeared for 5th Respondent either in person or through by an advocate, the court made the following order:-

This petition is filed to condone the delay of 933 days in filing the Appeal in CMA(MD)SR.No.54683 of 2021.

2. Heard the learned counsels appearing on both sides and perused the counter filed by the fourth respondent.

3. As per the affidavit filed by the petitioner, the certified copy of the order was made ready on 08.04.2019. The reason assigned for the delay of 933 days is that the certified copy of the order got mixed up with some other disposed bundles and reached some other client. The concerned client has not returned the same. Thereafter, on information, the present petition to condone the delay has been filed. The reason stated on the side of the petitioner is not sufficient to condone the huge delay of 933 days. The accident is of the year 2014. The claimants cannot be made to suffer because of the latches of the petitioner. For the reasons stated above, this petition is dismissed.

sd/-

04/01/2022

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

TO

THE CHIEF JUDICIAL MAGISTRATE
MOTOR VEHICLE ACCIDENT CLAIMS TRIBUNAL,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1. C.C. to M/S.S.ROYCE IMMANUEL Advocate SR.No.273 **(F)**

+1. C.C. to M/S.M.ASHOKKUMAR Advocate SR.No.477 **(F)**

+1. C.C. to M/S.J.S.MURALI Advocate SR.No.500 **(F)**

ORDER

IN

CMP(MD) No.9883 of 2021

IN

CMA(MD)SR.No.54683 of 2021

Date :04/01/2022