



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

Wednesday, the Seventh day of December Two Thousand and Twenty Two

PRESENT

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.M.P. (MD) Nos. 11099, 11100 & 11102 of 2022

in

C.M.A. (MD) No. 1057 of 2009

National Insurance Co. Ltd.,
Jeorme Building, 1st Floor,
Fort Station Road,
Trichy - 2.

....Petitioner / Appellant
in all the petitions

Vs

1. P. Neelavathi (died)
2. R. Velusamy
3. The Managing Director,
Tamil Nadu State Transport Corporation,
Tiruchirappalli.

...Respondents / Respondents
in all the petitions

4. Anbarasan
5. Aravindkumar
6. Anusuya Devi

...Respondents 4 to 6 / Proposed Respondents 4 to 6
in all the petitions

Prayer in CMP(MD). 11099/ 2022 in C.M.A. (MD) No. 1057 of 2009:

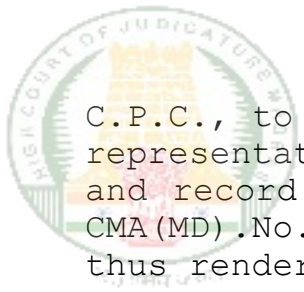
This Miscellaneous Petition filed Under Section 5 of Limitation Act, to condone the delay of 61 days in seeking to set aside the abatement caused by the death of the deceased 1st respondent in CMA (MD). No. 1057 of 2009 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 11100/ 2022 in C.M.A. (MD) No. 1057 of 2009:

This Miscellaneous Petition filed Under Order 22 Rule 9(2) of C.P.C., to set aside the abatement caused by the death of the deceased 1st respondent in CMA (MD). No. 1057 of 2009 on the file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 11102/ 2022 in C.M.A. (MD) No. 1057 of 2009:

<https://www.mhc.triflingjudis.in> This Miscellaneous Petition filed Under Order 22 Rule 4 of



C.P.C., to bring the proposed respondents 4 to 6 herein as representative of the deceased 1st respondent in the above appeal and record them as proposed respondents 4 to 6 in the above appeal CMA(MD).No.1057 of 2009 on the file of this Honourable Court and thus render justice.

Prayer in C.M.A.(MD) No.1057 of 2009:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 23.10.2008 made in M.C.O.P. No.649 of 2000, on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Tiruchirappalli.

ORDER :- These Miscellaneous Petitions are having come up for hearing on this day; upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr. S. Srinivasaraghavan, Advocate for the Petitioner, Mr. Prakash, Advocate for the 3rd respondent and the 2nd & 4 to 6 respondents are having not appeared either in person or through a Counsel; this Court made the following Order :-

"These petitions are filed to condone the delay of 61 days to set aside the abatement caused by the death of the first respondent in the appeal; to set aside the abatement caused by the death of the first respondent; and to bring the legal heirs of the deceased first respondent on record.

2. This appeal is preferred against the award passed by the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Trichy. The deceased first respondent is the claimant, who after filing the claim petition awaiting to see the colour of the coin for nearly 20 years, has lost her breathe and hence, these applications have been filed.

3. Considering the reasons stated in the affidavit filed in support of these petitions, the delay in filing the petition seeking to set aside the abatement caused by the death of the deceased first respondent is condoned and all the petitions are allowed."

Sd/-

Assistant Registrar (C.O)

// True Copy //

/01/2023

Sub Assistant Registrar (CS)

smn2

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal, Tiruchirappalli.

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



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C.M.P. (MD) Nos. 11099, 11100 and



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ORDER DATED 07.12.2022

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ORDER

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C.M.P. (MD) Nos. 11099, 11100 & 11102 of 2022
in

C.M.A. (MD) No. 1057 of 2009

Giving direction and etc.
as stated within.

AMS (05.01.2023) 3P 2C