



CMP(MD) No.8697 of 2023

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

Tuesday, the Tenth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CMP(MD) No.8697 of 2023
in
CMA(MD)SR.No.6657 of 2023

RANI JEYASELVI

... PETITIONER/ APPELLANT/RESPONDENT

Vs

R.KANNAN

... RESPONDENT/RESPONDENT/PETITIONER

Civil Miscellaneous 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 15 days in filing the above appeal against MCOP No. 122/2020 on the file of Motor Accidents Claims Tribunal (Sub Court) Nanguneri till pending disposal of the above CMA.

PRAYER in CMA(MD)SR.No.6657 of 2023:

To set aside the fair and decretal order dated 01.09.2022 passed in M.C.O.P.No.122 of 2020 on the file of Motor Accident Claims Tribunal(Sub Court) Nanguneri.

ORDER : This Civil Miscellaneous 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.V.VISHNU, Advocate for the petitioner and of none appeared either in person or through by an advocate on behalf of the Respondent, the Court made the following order:-



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This Petition is filed to condone the delay of 15 days in filing the above Civil Miscellaneous Appeal as against the judgment and decree made in M.C.O.P.No.122 of 2020, on the file of the Motor Accidents Claims Tribunal(Sub-Court), Nanguneri.

2.It is the submission of the learned counsel for the Petitioner that the Petitioner is the respondent in M.C.O.P.No.122 of 2020. The claimant had filed the claim petition on the basis of the accident happened on 15.05.2021 involving the motor cycle bearing Registration No. TN 72 AY 2993 and the auto bearing Registration No.TN 72AZ 9666. Due to the accident, the claimant who is a rider of the two wheeler sustained injuries and filed a claim petition claiming compensation of Rs.1 lakh. The Tribunal, after contest, awarded a sum of Rs.3,66,752/-. This award has now been challenged by the Petitioner/appellant on the ground that the Petitioner had sold the vehicle to third parties even prior to the accident. The Petitioner has no sufficient means to pay the Court fees and as such, there is a delay of 15 days in filing this Appeal.

3.Considering the submission made by the learned counsel for the Petitioner, this Court is of the view that the delay shall be condoned, on some terms.



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4. Accordingly, this Petition is allowed on condition that the Petitioner/appellant deposits 50% of the award amount together with proportionate accrued interest and costs to the credit of M.C.O.P.No.122 of 2020, on the file of the Motor Accidents Claims Tribunal(Sub-Court),Nanguneri within a period of four weeks from the date of receipt of a copy of this order, failing which, this petition shall stand automatically dismissed, without further reference to this Court.

sd/-
10/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSN
TO
THE SUBORDINATE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
NANGUNERI.

ORDER
IN
CMP(MD) No.8697 of 2023
in
CMA(MD)SR.No.6657 of 2023
Date :10/10/2023

SS/JGB/12/10/2023/2P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023