



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Tenth day of August Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CMP(MD)No.5838 of 2023

in

CMA(MD). No.1262 of 2022

Karuppuchamy

... Petitioner/ Appellant

Vs

1 Ismayil

2 The Branch Manager

Future General Insurance Company Limited

D.No.15 S.I Towers 2nd and 3rd Floor

Madurai Road Melapudur

Trichy Taluk

Trichy District.

... Respondents/ Respondents

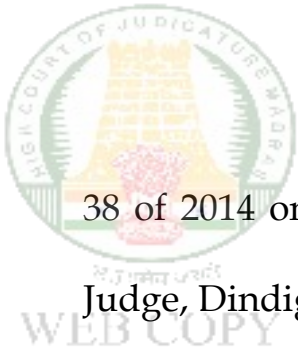
Prayer in CMP(MD) 5838 OF 2023:

Civil Miscellaneous Petition filed under order 41 Rule 19 of CPC to set aside the Civil Miscellaneous Appeal in CMA(MD) No.1262 of 2022 which was dismissed for default on 15.02.2023 and restore on the file.

Prayer in CMA(MD) No.1262 of 2022

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to allow this appeal and enhance the compensation of award passed in M.A.C.O.P. No.

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



38 of 2014 on the file of the Motor Accident Claim Tribunal / Special Subordinate Judge, Dindigul dated 10.07.2019 and thus render justice.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.K.M.Appaji Advocate for the Petitioner and of Mr.T.J.Ebenezer Charles, Advocate for the 1st Respondent and of Mr.S.Srinivasa Raghavan Advocate for the 2nd Respondent, this Court made the following order:

This petition has been filed to restore CMA(MD).No.1262 of 2022, which was dismissed for default on 15.02.2023.

2. Heard the learned counsel appearing for the petitioner and the 1st respondent and perused the affidavit filed in support of this petition. Mr.S.Srinivasa Raghavan, learned counsel is already on record for 2nd respondent.

3. Considering the reasons stated in the affidavit filed in support of this petition and that the petitioner has filed this petition in-time, this Court is inclined to allow this petition. Accordingly, this Petition is allowed and CMA(MD).No.1262 of 2022 is restored to file.



4. It is made clear that in the event of appeal is allowed the petitioner is not entitled to get interest for the default period.

// True Copy //

Sd/-
Assistant Registrar(CS-I)

/09/2023
Sub Assistant Registrar(CS)

TO

The Special Subordinate Judge,
Motor Accident Claims Tribunal
Dindigul.

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
2. The Section Officer, VR.Section,
Madurai Bench of Madras High Court, Madurai.,



WEB COPY



Hon`ble Mr.Justice
P.VADAMALAI
ORDER DATED : 10/08/2023

=====

Restore

=====

CMP(MD) No.5838 of 2023
in
CMA(MD). No.1262 of 2022
Giving direction and etc.
as stated within.

KB(05.09.2023) 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.

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