



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Wednesday, the Second day of August Two Thousand and Twenty Three

PRESENT
The Hon`ble Mr.Justice K.MURALI SHANKAR
CMP(MD)8828 OF 2023
IN
CMA(MD). No.31 of 2014

1. A.Sundarraaj

2.S.Chandra

... Petitioner/ Appellant

Vs

1 A.N.Muthaiya

2 The Branch Manager,
United India Insurance Co.Ltd.
Kumbakonam.

... Respondents/ Respondents

Prayer in CMP(MD)8828 OF 2023 :-

This Civil Miscellaneous Petition filed under order 41 rule (19) r/w section 151 of c.p.c.,to set aside the order dated 15-09-2021 and to restore the Appeal in CMA(MD). No.31 of 2014 on the file of this Hon'ble Court may deem and proper in the facts and circumstances of the case and thus render justice.

Prayer in CMA(MD). No.31 of 2014

This Civil Miscellaneous Appeal is filed under section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 29.03.2007 made in MCOP NO.186 of 2005 on the file of the Motor Accident Claims Tribunal cum Principal Sub Court, Kumbakonam.



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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.S.Siva Thilagar, Advocate for the Petitioners and of Mr.V.J.Kumaravel, Advocate For R2, for the respondent, this Court made the following order:

The above application has been filed to set aside the order dated 15.09.2021 passed in C.M.A.(MD)No.31 of 2014, which was ordered to be dismissed for default, and restore the appeal on file.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent.

3. It is seen from the records that the application in C.M.P.(MD)No.5694 of 2022 to condone the delay of 6 days in filing the above miscellaneous petition has already been allowed vide order dated 13.07.2023.

4. Considering the reasons assigned, this petition is ordered and the Registry is directed to restore the appeal on file and post the same on 09.08.2023 for final disposal.

Sd/-

Assistant Registrar()

// True Copy //

/08/2023

Sub Assistant Registrar(CS)



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The Principal Sub Judge/Motor Accident Claims Tribunal, Kumbakonam

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.
2. The Registrar (Judicial), Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 02/08/2023

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ORDER

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CMP(MD)8828 OF 2023

IN

CMA(MD). No.31 of 2014

Giving direction and etc.
as stated within.

KB(05.08.2023) 3P 4C

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

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