



CMP(MD) No.5274 of 2023

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

Friday, the Twenty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD) No.5274 of 2023
and
CMA(MD) SR No.21951 of 2015

1 MUTHULAKSHMI

2 MINOR. SINDHU

3 MINOR. MUTHUKRISHNAN

4 MINOR. MADHAVI

(Minor appellants 2 to 4 rep. through
their mother and next guardian 1st
appellant herein)

MATHOOMMAL (DIED)

5 ARUMUGAM NAIDU
Vs

... Petitioners / Petitioners / Appellants

1 NARAYANAN

2 CHOLAMANDALAM MS GENERAL
INSURANCE COMPANY LIMITED,
THROUGH ITS BRANCH MANAGER,
DARE HOUSE, 2ND FLOOR,
NO. 2, N.S.C. BOSE ROAD,
CHENNAI - 600 001.

... Respondents / Respondents / Respondents



CMP(MD) No.5274 of 2023

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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 931 days in restoring the C.M.P.(MD). No. 2103 of 2016 in C.M.A.(MD). Sr. No. 21951 of 2015, which was dismissed on 07-09-2018.

Pryer in CMA(MD) SR No.21951 of 2015:

To allow this appeal and enhance the award amount in M.C.O.P.No.1196 of 2013 on the file of the Motor Accident Claims Tribunal, (3rd Additional District Court), Tirunelveli, dated 28.10.2014.

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.T.SELVAKUMARAN, Advocate for the petitioners and of not appeared for Respondents in person or through by an Advocate, the court made the following order:-

This Petition is filed to condone the delay of 931 days in restoring the C.M.P (MD).No.2103 of 2016 in C.M.A(MD)SR.No.21951 of 2015.

2. The respondents 1 and 2 names are printed in the cause list.

3. Heard the learned counsel appearing for the petitioners and perused the materials placed before this Court.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition, the delay of 931 days in restoring the C.M.P(MD).No.2103 of 2016 in C.M.A (MD)SR.No.21951 of 2015 is condoned on condition that the petitioners are not claim any interest for the delay period, if the appeal is allowed. Accordingly, this Civil Miscellaneous Petition is allowed.



CMP(MD) No.5274 of 2023

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5. Registry is directed to restore the C.M.P(MD).No.2103 of 2016 in C.M.A (MD)SR.No.21951 of 2015 on file and list the matter for final disposal.

sd/-
21/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

The III Additional District Judge,
Motor Accident Claims Tribunal,
Tirunelveli.

Copy to:

The Section Officer,
Judicial Section,
Madurai District.

ORDER
IN
CMP(MD) No.5274 of 2023
and
CMA(MD) SR No.21951 of 2015
Date :21/07/2023

ED/MMS/SAR- (10/08/2023) 3P / 3C

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