



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Fifth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD). No.9087 of 2019

in

CMA(MD).No.1605 of 2006

- 1.P.Parameswari
2. Minor P.Ananthi
3. Minor P.Natchimuthu

(Minors 2 & 3 represented by
their mother & natural guardian
1st petitioner)

4. N.Muthammal

... Petitioners/Petitioners

Vs

1 V.Masilamani

2 The Branch Manager,
Oriental Insurance Company Ltd.
Lyola Building,
Salai Road, Dindigul.

... Respondents/Respondents

Prayer :-

This Civil Miscellaneous petition is filed U/s.5 of Limitation Act to condone the delay of 1819 days in preferring the above restoration as against the order made in CMA (MD) No. 1605 of 2006 which was dismissed for non prosecution on 18.08.2014.

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



Prayer in CMA(MD).No.1605 of 2006 :

Civil Miscellaneous Appeal filed U/s.30 of workmen Compensation Act, to set aside the order made in W.C.No.34 of 2005 by the Commissioner for Workmen Compensation & Deputy Commissioner of Labour, Dindigul dated 10.02.2006 and enhance the award amount and pass such further or other orders as this court may deem fit.

ORDER:- This Civil Miscellaneous 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. D.Venkatesh, Advocate for the Petitioners and of Mr.C.Jawahar Ravindaran, Advocate for the Respondent No.2, no appearance for the 1st Respondent either in person or through Counsel, this Court made the following order:

On 18.08.2014 since there was no representation on behalf of the petitioner, this Court was pleased to dismiss CMA(MD)No.1605 of 2006 for default. Subsequently, this petition has been filed seeking to restore the case back to file for the reason that the petitioner was not able to instruct her Advocate, as a result of which, her counsel also did not appear before this Court on 18.08.2014. It is further submitted by the learned counsel for the petitioner that the petitioner contacted her counsel during the last week of August, 2019, on which date, it was informed that the case has been dismissed for non-appearance. Hence, this petition.

2.The learned counsel appearing for the second respondent has filed counter affidavit and prayed to dismiss the petition.



WEB COPY

3.It is the primordial duty of the litigants to be vigilant and keep in touch with his/her counsel continuously for conducting the cases pending before the Court. That apart, it is the bounden duty of the counsel on record to conduct the case by promptly getting instructions from the litigants before the Courts of law. However, there is a delay on the part of the petitioner as well as her counsel. In view of the above, this Court is not inclined to condone 1819 days of delay in preferring restoration petition as against the dismissal order made in CMA(MD) No.1605 of 2006.

4.Accordingly, this Civil Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

TO

1) The Commissioner for Workmen Compensation &
Deputy Commissioner of Labour,
Dindigul.



2) The Branch Manager,
Oriental Insurance Company Ltd.
Lyola Building,
Salai Road, Dindigul.

ORDER DATED : 05/10/2023

=====

ORDER

=====

CMP(MD). No.9087 of 2019
in
CMA(MD).No.1605 of 2006

Giving direction and etc.
as stated within.

MK/19.10.2023 4P 3C

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