



CMP(MD) No.14737 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twenty Ninth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CMP(MD) No.14737 of 2023

in

CMA(MD) SR.No.78085 of 2023

THE BRANCH MANAGER

ICICI LOMBARD GENERAL INSURANCE CO.LTD.,

UNITED ARCADE, III RD FLOOR,

ANNAMALAI NAGAR, KARUR BYE PASS ROAD,

THILLAI NAGAR, TIRUCHIRAPPALLI.

... PETITIONER/ APPELLANT

Vs

1 S.ARIVALAGAN

2 R.SARAVANAN

... RESPONDENTS/RESPONDENTS

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 121 days in preferring the above Civil Miscellaneous Appeal.

PRAYER IN CMA(MD) SR.NO.78085 OF 2023 :

To call for the records pertaining to the Fair Order passed by the Motor Accident Claims Tribunal / Special Subordinate Judge, Trichirappalli in MCOP.No.167 of 2018 dated 17.02.2023, set aside the same by allowing the appeal.

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.P.PETHU RAJESH, Advocate for the petitioner and of MR.R.MAHESWARAN, Advocate on behalf of the 1st Respondent and none appeared



CMP(MD) No.14737 of 2023

either in person or by an advocate on behalf of the 2nd Respondent, the court made the following order:-

This Civil Miscellaneous Petition is filed to condone the delay of 121 days in filing the above Civil Miscellaneous Appeal.

2. It is the submission of the learned counsel for the petitioner that three persons travelled in a Two wheeler and that caused the accident. That apart, the rider of the two wheeler had no valid driving licence. However, the Tribunal had wrongly fastened the liability on the Insurance Company. He would further submit that after obtaining the certified copies of the fair and decreetal order, the same was mixed with some other case bundle and was traced out only in 1st week of October 2023. Thereafter, the papers were placed for obtaining legal opinion before the panel advocate for filing the appeal and immediately, the same is obtained and the present appeal is filed. In the meantime, there is a delay of 121 days in filing the above second appeal.

3. The learned counsel for the first respondent opposes this petition.

4. Considering the reasons stated for the delay of 121 days in filing the appeal and the opposition made by the learned counsel for the first respondent for condoning the delay and taking into consideration of the relevant factors as narrated above, this petition is allowed subject to the payment of costs of Rs.1,000/- (Rupees One thousand only) to the first respondent on or before 13.12.2023. On such payment,



CMP(MD) No.14737 of 2023

Registry is directed to number the appeal, if it is in order and list the matter for
admission on 19.12.2023.

sd/-
29/11/2023
/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

THE SPECIAL SUBORDINATE JUDGE/
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TRICHY.

ORDER IN
CMP(MD) No.14737 of 2023
in
CMA(MD) SR.No.78085 of 2023
Date :29/11/2023

RS/JGB/SAR-(01.12.2023) 3P 2C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023