



CMP(MD). No.12755 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.12755 of 2022

IN

CMA(MD)No.1906 of 2013

Cholamandalam MS General Insurance Co Ltd,
"Dare House" 2nd and 5th Floors ,
N.S.C Bose Road Chennai-600 001.

... Petitioner/ Appellant

Vs

1 K.Sellammal

2 A.Krishnan

3 K.Kanagavalli

4 A.Chinnappa,

... Respondent/ Respondent/ Complainant

Prayer in CMP(MD) No.12755 of 2022 :-

This Civil Miscellaneous Petition is filed under order 41 Rule 19 c.p.c.,to set aside the order dated 28-11-2022 made in CMA(MD).No.1906 of 2013 on the file of this Hon'ble Court and to re-admit the above appeal to file for proceedings further with the final disposal.



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Prayer in CMA(MD)No.1906 of 2013:-

WEB COPY This Civil Miscellaneous Appeal is files under section 173 of of M.V.Act. To set aside the judgment and decree dated 05.07.2012 made in MCOP No.453 of 2009 on the file of Motor Accident Claims Tribunal (Sub Court)Kulithalai.

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.S.Srinivasa Raghavan, Advocate for the Petitioner and of Mr.J.Anand Kumar,Advocate For R 1 to 3, for the respondents and there is no representation for the fourth respondent this Court made the following order:

The above Civil Miscellaneous Petition has been filed to set aside the order dated 28.11.2022 passed in C.M.A.(MD)No.1906 of 2013, which was ordered to be dismissed for default, and restore the appeal on file.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 to 3.

3. The learned counsel appearing for the petitioner would submit that the counsel on record was not well at the particular point of time. He would further submit that he is ready for the final argument in the main appeal itself.

4. The learned counsel appearing for the respondents 1 to 3 has not raised any serious objection to allow this petition.



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5. Considering the reasons assigned, this Civil Miscellaneous Petition is allowed and the Registry is directed to restore the appeal on file and post the same on 02.08.2023.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

TO

1.The Sub Judge/Motor Accident Claims Tribunal,
Kulithalai.

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. (2copies)



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ORDER DATED : 14/07/2023

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ORDER
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CMP(MD). No.12755 of 2022
IN
CMA(MD)No.1906 of 2013

Giving direction and etc.
as stated within.

DL/(21.07.2023)/ 4P/5C

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