



C.M.P.(MD)No.11211 of 2024

WEB COPY

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

Friday, the Twenty Fifth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
and
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

C.M.P.(MD)No.11211 of 2024
in
C.M.A.(MD)SR.No.9316 of 2022

SRIRAM GENERAL INSURANCE COMPANY,
HAVING OFFICE AT S.N.HIGH ROAD,
NORTH BLOCK,
SRC COMPLEX 2ND FLOOR,
TIRUNELVELI.

... PETITIONER/ APPELLANT

Vs

1 SHANMUGASUNDARI

2 MINOR. PRAGATHEESWARAN

3 MINOR. BALAGANESH

(MINORS 2 AND 3 REPRESENTED THROUGH THEIR MOTHER & NATURAL
GUARDIAN SHANMUGASUNDARI, THE 1st RESPONDENT HEREIN)

KRISHNAN(DIED)

4 PANJAVARNAM



C.M.P.(MD)No.11211 of 2024

5 MUTHUMEENAL

WEB COPY

6 THE BRANCH MANAGER,
ICICI LOMBORD INSURANCE COMPANY LIMITED,
MADURAI,
HAVING OFFICE AT GV COMPLEX, 3RD FLOOR,
DOOR NO.11-B BYE PASS ROAD,
MADURAI 625 010.
(POLICY No.3064/77610501/00/1300)

... RESPONDENTS/RESPONDENTS

(3rd RESPONDENT IS ADDED AS PARTY AS PER ORDER IN IA.No.310/2018 DATED 18.07.2018)

(MAIN PETITION IS AMENDED AS PER ORDER IN IA.No.478/2018 DATED 26.07.2018)

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 726 days in re presenting the above CMA(MD) SR No.9316 of 2022 and thus render justice.

PRAYER IN C.M.A.(MD)SR.No.9316 of 2022:

Pleased to set aside the Order and decree passed by the Motor Accident Claims Tribunal, Subordinate Judge, Aruppukkottai in MCOP.No.57 of 2014 dated 22.11.2021.

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 D.SIVARAMAN, Advocate for the petitioner and of Mr.P.GANAPATHI SUBRAMANIAN, Advocate on behalf of the Respondents No.1 to 3 and Mr.V.MUTHU KAMATCHI, Advocate for the 6th Respondent and none appeared for the Respondents No.4 & 5 side either in person or by an advocate, the court made the following order:-

This petition is filed to condone the delay of 726 days in filing the appeal.



C.M.P.(MD)No.11211 of 2024

WEB COPY

2. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 1 to 3 and the learned counsel appearing for the 6th respondent.

3. Though notice was served on the respondents 4 and 5 and their names have also been printed in the cause list, there was no representation on behalf of them either in person or through a counsel.

4. Considering the enormous delay in filing the appeal, this petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) towards costs to the credit of Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), on or before 13.11.2024.

5. List the matter on 14.11.2024 for compliance.

sd/-
25/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO
THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
ARUPPUKOTTAI.



C.M.P.(MD)No.11211 of 2024

COPY TO:

**1 THE SUB ASSISTANT REGISTRAR,
A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.**

**2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.**

**3 THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADRAS HIGH COURT MADURAI BENCH,
MADURAI-625 023**

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-13158[I] dated 25/10/2024)

**ORDER IN
C.M.P.(MD)No.11211 of 2024 in
C.M.A.(MD)SR.No.9316 of 2022
Date :25/10/2024**

SA/MMS/SAR. /04.11.2024/4P/6C

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