



CMP(MD) No.5486 of 2024

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

Wednesday, the Third day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE
and
The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD) No.5486 of 2024
in
CMA(MD)SR.No.6555 of 2024

THE ORIENTAL INSURANCE COMPANY LIMITED,
REP. THROUGH ITS BRANCH MANAGER,
2ND FLOOR, VIJAY COMPLEX,
THENI TALUK,
THENI DISTRICT.

... PETITIONER/ APPELLANT

Vs

1 N.MANIMEGALAI

2 MINOR. N.SUBASH

3 MINOR. N.GOWTHAM

(MINOR RESPONDENTS 2 AND 3
REPRESENTED THROUGH THEIR
MOTHER/NATURAL GUARDIAN/1st
RESPONDENT MANIMEGALAI)

4 P.MURUGAN

5 K.MARIAPPAN,

... RESPONDENTS/RESPONDENTS



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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 1401 days caused in filing the Civil Miscellaneous Appeal before this Honourable Court

PRAYER in CMA(MD)SR.No.6555 of 2024:

To set aside the award dated 09.11.2018 passed in M.C.O.P.No.14 of 2015 on the file of learned Motor Accident Claims Tribunal/ Additional District Court(FTC), Theni.

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.A.ILANGO, Advocate for the petitioner and of Mr.K.SAMIDURAI, Advocate on behalf of the Respondents 1 to 3 and Mr.K.R.SHIVASHANKARI, Advocate for the 5th respondent and none appeared either in person or through by an advocate on behalf of the 4th respondent, the Court made the following order:-

Heard Mr.A.Ilango, learned counsel for the petitioner, Mr.K.Samidurai, learned counsel for Respondents No.1 to 3 and Mrs.K.R.Shivashankari, learned counsel, who offers to enter appearance for Respondent No.5.

2. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Accordingly, the delay of 1401 days caused in filing the civil miscellaneous appeal is condoned, however subject to the following conditions:

- i. The petitioner shall pay a sum of Rs.2,500/- (Two Thousand Five Hundred Rupees only) to Mr.K.Samidurai, learned counsel for Respondents No.1 to 3;
and



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ii. The petitioner shall also pay a sum of Rs.2,500/- (Two Thousand Five Hundred Rupees only) to Mrs.K.R.Shivashankari, learned counsel for Respondent No.5.

iii. The petitioner shall comply with conditions (i) and (ii) before 16.07.2024.

3. Mrs.K.R.Shivashankari, learned counsel, shall file her vakalath for Respondent No.5.

4. Post the matter on 18.07.2024.

sd/-
03/07/2024

/ TRUE COPY /

/07/2024

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

ABR
TO
THE ADDITIONAL DISTRICT JUDGE(FTC),
MOTOR ACCIDENT CLAIM TRIBUNAL, THENI.

ORDER
IN
CMP(MD) No.5486 of 2024
in
CMA(MD)SR.No.6555 of 2024
Date :03/07/2024

SS/JGB/SAR- /09/07/2024/3P/2C

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