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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twentieth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN

CMP(MD). No.12132 of 2024

in

CMP(MD). No.7935 of 2019

in

CMP(MD). No.6916 of 2017

in

C.M.A.(MD)SR.NO.28453 OF 2017

E.Muniammal

W/o.Eswaran Bharathiar Colony

Ramasamipuram Koomapatti Post

Srivilliputhur Taluk Virudhunagar District.

...Petitioner/Petitioner

... Petitioner/Appellant

Vs

1 B.Sudari

W/o.R.Bose 2/6f Chekkadi Street

Samayanallur Post Vadipatti Taluk

Madurai.

[Notice to R1 is Dispensed With Vide
Court Order Dated 15.04.2024.]

2 The Managing Director

Tamilnadu State Transport Corporation Ltd.

Tirunelveli.

... Respondents/Respondents

... Respondents/Respondents



Prayer :-

Civil Miscellaneous Petition filed in order 41 Rule 19 of C.P.C. to set aside the order dated 30-09-2021 passed in C.M.P.(MD).No.7935 of 2019 in C.M.P.(MD). No.6916 of 2017 in C.M.A.(MD).SR.No.28453 of 2017 on the file of this Honourable Court.

Prayer CMP(MD). No.7935 of 2019:-

This Civil Miscellaneous Petition filed under section 5 of limitation Act, to condone the delay of 563 days in filing the restoration Petition to restore the CMP (MD)No.6916 of 2017 in C.M.A.SR.28453 of 2017.

Prayer CMP(MD). No.No.6916 of 2017:-

This Civil Miscellaneous Petition filed under section 173(1) Motor Vehicles Act to condone the delay of 302 days in the above appeal namely CMA before this Honourable Court.

Prayer C.M.A.(MD)SR.NO.28453 OF 2017:-

This Civil Miscellaneous Appeal filed under Section 173 of M.V. Act., against the order and decree in MCOP No.133 of 2013 dated 06.01.2016 passed by the learned Motor Accident Claims Tribunal, Srivilliputhur, (Chief Judicial



Magistrate Court, Srivilliputtur) Virudhunagar District.

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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 M/s. R. Paranjothi, Advocate for the Petitioner and of Mr. S. Micheal Heldon Kumar, Government Advocate for the 2nd respondent, this Court made the following order:

'This petition is filed to set aside the order dated 30.09.2024 passed in C.M.P(MD)No.7935 of 2019 in C.M.P.(MD)No.6916 of 2017 in C.M.A.(MD) SR.NO.28453 OF 2017.

2. Heard the learned counsel for the petitioner/appellant.

3. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed and C.M.P.(MD)No.7935 of 2019 is restored.'

Sd/-

Assistant Registrar (CS II)

// True Copy //

/10/2024

Sub Assistant Registrar
(CS-1/II/III/IV)



TO
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1. The Chief Judicial Magistrate/
Motor Accidents Claims Tribunal,
Srivilliputhur,
Virudhunagar District.
2. The Managing Director
Tamilnadu State Transport Corporation Ltd.
Tirunelveli.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 20/09/2024

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ORDER

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CMP(MD). No.12132 of 2024

in

CMP(MD). No.7935 of 2019

in

CMP(MD). No.6916 of 2017

in

C.M.A.(MD)SR.NO.28453 OF 2017

KVL (10/10/2024) 4P/ 4C

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