



C.M.P.(MD).No.10979 of 2023

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

Friday, the Fourteenth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

C.M.P.(MD).No.10979 of 2023

in

C.M.P.(MD).No.2103 of 2016

in

C.M.A.(MD).No.SR.21951 of 2015

1 MUTHULAKSHMI,

2 MINOR. SINDHU

3 MINOR.MUTHUKRISHNAN

4 MINOR.MADHAVI

MATHOOMMAL (DIED)

5 ARUMUGAM NAIDU

(MINOR APPELLANTS 2 TO 4 REP.
THROUGH THEIR MOTHER AND NEXT
GUARDIAN 1st APPELLANT HEREIN)

... PETITIONERS/ APPELLANTS

Vs

1 NARAYANAN



C.M.P.(MD).No.10979 of 2023

2 CHOLAMANDALAM MS GENERAL
INSURANCE COMPANY LTD.,
THROUGH ITS BRANCH MANAGER,
DARE HOUSE,
2ND FLOOR, NO.2, N.S.C. BOSE ROAD,
CHENNAI - 600 001.

... RESPONDENTS/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 set aside the order and restore the C.M.P.(MD)No.2103 of 2016 in C.M.A.(MD) S.R.No.21951 of 2015 which was dismissed on 07.09.2018 and thus render justice.

Prayer in CMP(MD). 2103/ 2016 :

To condone the delay of 51 days in filing the CMA.(MD).SR.No.21951/2015 and thus render justice.

Prayer in C.M.A.(MD).No.SR.21951 of 2015

Pleased to allow this appeal and enhance the award amount in M.C.O.P.No.1196 of 2013 on the file of the Motor Accident Claims Tribunal, (3rd Additional District Court) Tirunelveli, dated 28.10.2014.

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.T.SELVAKUMARAN, Advocate for the petitioner and of M/s.SIVA SANKARI, Advocate on behalf of the 2nd Respondent, the court made the following order:-

This petition has been filed to restore the C.M.P.(MD).No.2103 of 2016 in C.M.A.(MD).No.SR21951 of 2015, which was dismissed for default for non payment of cost of Rs.500/-.

2. Being satisfied with the reasons stated in the affidavit filed in support of this

<https://www.mhc.tn.gov.in/judis>



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petition, this petition stands allowed. C.M.P.(MD).No.2103 of 2016 is restored to the
file.

3.Let the above said condition imposed in C.M.P.(MD).No.2103 of 2016 be
complied by the petitioner on or before 09.07.2024. List the C.M.P.(MD).No.2103 of
2016 on 09.07.2024 for reporting compliance.

sd/-
14/06/2024

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO
THE III ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

COPY TO:

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

2 THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR OLD AGED, MELUR ROAD,
UTHANGUDI-ULAGANERI, MADURAI-625 107.



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ORDER
IN
C.M.P.(MD).No.10979 of 2023
in
C.M.P.(MD).No.2103 of 2016
in
C.M.A.(MD).No.SR21951 of 2015
Date :14/06/2024

SA/GS/SAR. /24.06.2024/4P/4C

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