



CMP(MD). No.13621 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Nineteenth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CMP(MD). No.13621 of 2023
in
CMA(MD)No.1191 of 2013

Mano

... Petitioner/ Appellant/ Accused

Vs

1 Mr.Mari

2 Mr.Vinayaga Ramadurai

3 United India Insurance Company Limited
No.1, Post Office Road,
Palayamkottai, Tirunelveli

4 Mr.Balasubramania Durai

5 Iffco Tokiyo General Insurance Company Limited,
No.335/1a V.V.Complex
North Bypass Road Vannarpettai
Tirunelveli.

... Respondents/ Respondents

Prayer in CMP(MD). No.13621 of 2023:-

This Civil Miscellaneous petition is filed under order 41 Rule 19 of C.P.C.,to restore the Civil Miscellaneous Appeal in CMA(MD). No. 1191/2013 on the file of the this Honourable Court, which was dismissed for default on 10.11.2022.



CMP(MD). No.13621 of 2023

Prayer in C.M.A(MD)No.1191 of 2013:-

This Civil Miscellaneous Appeal is filed under section 173 of Motor Vehicle Act, to set aside the award of the tribunal passed by Motor Accident Claims Tribunal, Additional District Judge, FTC No.1, Tirunelveli, made in MCOP No.627 of 2011, dated 29.12.2011.

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.T.Selvakumaran, Advocate for the Petitioner and of Mr.C.Karthick, Advocate for the 3rd respondent, Ms.K.R.Sivashankari, Advocate for 5th Respondent and none having appeared for the 1st and 2nd respondents either in person or by an Advocate, this Court made the following order:

This petition is filed by the petitioner to set aside the order dated 10.11.2022 and restore the appeal.

2. Learned counsel for the third respondent has no objection. For other respondents notice was served but none appeared.

3. Considering the reasons stated in the affidavit and considering the facts and circumstances, this petition is allowed. Accordingly, the C.M.A (MD)No.1191 of 2013 is restored to file.



CMP(MD). No.13621 of 2023

WEB COPY

4. Post the C.M.A.(MD)No.1191 of 2013 on 07.02.2024.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/02/2024

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

TO

The Additional District Judge, FTC No.1/Motor Accident Claims Tribunal,
Tirunelveli,

Copy to:
The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 19/01/2024

=====
ORDER
=====

CMP(MD). No.13621 of 2023
in
CMA(MD)No.1191 of 2013

Giving direction and etc.
as stated within.

DL/(01.02.2024)/ 3P/ 3C

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

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