



C.M.P.(MD)No.15495 of 2024

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

Thursday, the Twenty Eighth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.P.(MD)No.15495 of 2024
in
C.M.A.(MD)SR.No.61455 of 2024

M/S.NEW INDIA ASSURANCE COMPANY LIMITED,
SUNDARAM FINANCE BUILDING,
2ND FLOOR, B BLOCK,
21 PATTULOUS ROAD,
CHENNAI - 600 002.

REPRESENTED BY ITS BRANCH MANAGER,
DHASS BUILDING, NEAR CHRISTOPHER BUS STAND,
VADASERY, NAGERCOIL, VADASERY VILLAGE,
AGASTEESWARAM TALUK,
KANIYAKUMARI DISTRICT.

... PETITIONER/ APPELLANT

Vs

1 G.SORNA LATHA

2 S.P.BHARATH

... RESPONDENTS 1 & 2/RESPONDENTS 1 & 2

3 R.PRADEEP

... RESPONDENT 3/RESPONDENT 3

4 P.NAGAMONY



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5 TAMIL NADU STATE TRANSPORT CORPORATION LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
DIVISION -III, RANITHOTRAM,
NAGECOIL, NAGERCOIL VILLAGE,
AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT. ... RESPONDENTS 4 & 5/RESPONDENTS 4 & 5

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 320 days in filing the above civil miscellaneous appeal and thus render justice.

PRAYER IN C.M.A.(MD)SR.No.61455 of 2024:

Pleased to set aside the Judgement and decree passed by the Learned Chief Judicial Magistrate, Kanyakumari at Nagercoil in MCOP.No.146 of 2019 dated 9.1.2023 as against the appellant and allow the appeal.

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 Mr.DEEPAK C, Advocate for the petitioner and of Mr.M.P.SENTHIL, Advocate for the Respondents No.1 & 2 and M/s.M.RAJESWARI, Advocate for the 3rd Respondent and Mr.P.PRABHAKARAN, Advocate for the 4th Respondent and Standing Counsel for the 5th Respondent, the court made the following order:-

This petition is filed to condone the delay of 320 days in filing the appeal.

2.Heard the learned counsel for the petitioner/appellant. The learned counsel for the respondents No.1, 2 and 3 and the learned Standing Counsel for the respondent No.5, have raised objection in allowing this petition.

3.Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed on condition to deposit costs of Rs.1000/- to the



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credit of Cancer Institute (WIA), Gandhi Nagar Canal Bank Road, Adyar, Chennai-20
(payable in S.B.A/c.No.149710011000002, Andra Bank, Madhya Kailash Branch,
Cancer Institute (WIA) Campus, Sardar Patel Road, Chennai - 36, Branch Name and
Code:1497, MICR No.600011049, IFSC Code:ANDB0001497) within a period of 15
days from the date of receipt of a copy of this order. Failing which, this petition shall
stand automatically dismissed without any further reference to this Court.

sd/-
28/11/2024

/ TRUE COPY /

29/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR
TO
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL

COPY TO:
THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA),
GANDHI NAGAR CANAL BANK ROAD,
ADYAR, CHENNAI-20

ORDER IN
CMP(MD) No.15495 of 2024
Date :28/11/2024

SA/SAR. /29.11.2024/3P/3C

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