



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twelfth day of December Two Thousand and Twenty Four

PRESENT
The HONOURABLE MRS. JUSTICE R. KALAIMATHI

CMP(MD). No.7444 of 2022
in
C.M.A.(MD)SR.No.9977 of 2017

M.Jhana Prakash @ Gnana Prakasam

... Petitioner/Petitioner/ Appellant/Claimant

Vs

1 C.Maheswaran

2 The Branch Manager

The Oriental Insurance Co Ltd Shoba Tsm
Complex, Opp Town Railway Station Road,
Palakkad.

3 S.Gnana Sudhakar

4 Shri Ram General Insurance Co. Ltd,
E-8 Epip Riico, Industrial Area,
Sitapura Rajasthan 302 022.

... Respondents/Respondents/
Respondents/Respondents

Prayer :-

Civil Miscellaneous Petition filed under order 41 rule 19 of C.P.C. To restore the order made in CMP(MD).No.2267 of 2017 in CMA(MD).SR.No.9977 of 2017 dated 07-09-2017 passed by this Honourable Court.



Prayer in CMP(MD)No.2267 of 2017:-

Civil Miscellaneous Petition filed under Section 173(1) of MV Act, to condone the delay of 1099 days in filing the appeal against the Fair and Decree order dated 12.09.2013 passed in M.A.C.O.P.No.241/2012 on the file of the Motor Accident Claims Tribunal/II Additional District Judge, Tuticorin.

Prayer in CMA(MD)SR.No.9977 of 2017:-

Civil Miscellaneous Appeal filed under 173 of Motor Vehicles Act 1988, to call for the records and set aside the fair and Decree order dated 12.09.2013 passed in MACOP.No.241/2012 on the file of the Motor Accident Claims Tribunal/II Additional District Judge, Tuticorin in fixation of liability is concern and consequently remand back to the tribunal for afresh adjudication.

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.RM.Arun Swaminathan, Advocate for the Petitioner and of Mr. S. Muthumalairaja, Advocate for the 1st respondent, M. C. Karthik, Advocate for the 2nd respondent and 3rd, respondent not appeared either in person or by any advocate and Mr.D.Sivaraman Advocate for the 4th respondent, this Court made the following order:

Heard the learned Counsel on either side.

2. The learned Counsel appearing for the respondents No.2 and 4 has no serious objection in allowing this petition.

3. Civil Miscellaneous Appeal was filed in the year 2017 and a conditional order was passed for payment of batta in respect of Respondents No.1 to 4 on



07.09.2017. In the given circumstances, with the given condition that the appellants are not entitled to any interest for the default period in the interest of justice, this petition stands allowed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/01/2025

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

TO

The Motor Accident Claims Tribunal/II Additional District Judge, Tuticorin.

Copy to:

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

ORDER DATED : 12/12/2024

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ORDER

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CMP(MD). No.7444 of 2022

in

C.M.A.(MD)SR.No.9977 of 2017

Giving direction and etc.
as stated within.

BV (02/01/2025) 3P/ 3C

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