



CMP Nos. 4084, 4085 & 4088 of 2023
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL
CMP No. 4084, 4085 & 4088 of 2023

in

CMA.No.3536 of 2021

Iffco Tokio General Insurance Company Ltd
No.28, 2nd Floor, North Usman Road,
T. Nagar,
Chennai-17

..Petitioner

Vs

RAJESHWARI
No.4/137, North Colony, Veeriruppu,
Sankarankoil Taluk,
Tirunelveli District-627755
and 10 Others

..Respondents

For Appellant(s): Mr.Somasundar N.

For Respondent(s):Batta Filed, Condone Delay Petition Only Filed.
8 Copies Of Bring On Record & Set Aside Petition Due Reg Rr4 To 11

Private Notice

R-4 Muniammal No.491, South Colony, Veeriruppu, Sankarankoil Taluk,
Tirunelveli District-627755

R-6 Govindaraj No.491, South Colony, Veeriruppu, Sankarankoil Taluk,
Tirunelveli District-627755

R-8 Thangamuniyandi No.491, South Colony, Veeriruppu, Sankarankoil
Taluk, Tirunelveli District-627755

R-10 Arjun No.491, South Colony, Veeriruppu, Sankarankoil Taluk,
Tirunelveli District-627755

R-11 Arun No.491, South Colony, Veeriruppu, Sankarankoil Taluk,
Tirunelveli District-627755

R-7 Died

R5 & 9 - AOs Not Filed



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COMMON ORDER

(The order of the Court was made by J.Nisha Banu,J)

CMP.No.4084 of 2023 has been filed to condone the delay of 208 days in filing the petition to set aside the abatement as against the deceased 3rd respondent Samadhanam. **CMP.No.4085 of 2023** has been filed to set aside the abatement as against the deceased 3rd respondent Samadhanam and **CMP.No.4088 of 2023** has been filed to bring on record the legal representatives of the deceased 3rd respondent Samadhanam in the above appeal,CMA.3536 of 2022.

2. The 3rd respondent, Samadhanam is the mother of the deceased Ganapathy. The deceased Ganapathy died in a road accident on 15.04.2016. Since the wife and minor daughter of the deceased and the 3rd respondent Samadhanam, are the dependents of the deceased Ganapathy, they filed the claim petition before the Motor Accident Claims Tribunal seeking compensation and the Tribunal has also passed an award on 07.07.2020. The above CMA has been filed challenging the award passed by the Tribunal. After passing of the award by the Tribunal, the 3rd respondent died. A memo has been filed by the counsel for the respondents 1 and 2 herein/ claimants 1 and 2 stating that the 3rd respondent/3rd claimant, died on 31.07.2020. The said memo is recorded.



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3. Since the respondents 1 to 3 are the only dependents of the deceased Ganapathy, the legal heirs of the 3rd respondent are not necessary parties in the appeal and we are also not inclined to condone the delay of 208 days in filing the petition to set aside the abatement. Therefore, all the three petitions are dismissed.

(J.N.B.,J.) (R.S.V.,J.)
02-01-2025

vsi



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J.NISHA BANU, J.
and
R.SAKTHIVEL, J.

vsi

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