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C.M.P.No.8555 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.10.2025**

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.P.No.8555 of 2025

in C.M.A.Sr.No.1709 of 2025

Smt.Lavanya (Died)

Major Karthick Raghav

..Petitioner

Vs.

1. S. Dharmalingam

2. The Divisional Manager,

Royal Sundaram Alliance Insurance Company Limited,

Divisional Officer, "Sundaram Towers",

No.45 and 46, Whites Road, Chennai – 600 014.

3. Sakuntala

4. Sasikala

5. Premalatha

6. Hemalatha

..Respondents

(Cause title accepted vide Court Order dated 27.03.2025 made in C.M.P.No.7517 of 2025 in C.M.A.Sr.No.1709 of 2025)

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 (1) of Motor Vehicles Act, 1988, to condone the delay of 3422 days in filing the present C.M.A.Sr.No.1709 of 2025.



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For Petitioners	: Mr.G.Vivekanand
For R1	: Notice dispensed with
For R2	: Mr.S.Srinivasan
For R3 to R6	: Mr.C.Prabhakaran

ORDER

This petition is filed by the second claimant herein under Section 173 (1) of Motor Vehicles Act, 1988 to condone the delay of 3422 days in filing C.M.A.Sr.No.1709 of 2025 against the Award dated 29.04.2015 passed by the Special District Court (to deal with MCOP cases), Krishnagiri.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The learned counsel for the second respondent does not have any serious objection in allowing the petition.

4. The petitioner / second claimant would aver that, on account of the accident that occurred on 07.05.2008, his father passed away and he was only three years old at that point of time. The Award in the above said M.C.O.P was passed on 29.04.2015. Subsequently, his mother Smt. Lavanya (first claimant) died on 18.10.2016. He was dependent on his maternal uncle. At present he is pursuing first year of his engineering decree at Sri Krishna



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College of Engineering and Technology, Coimbatore. He is having financial liability to the tune of Rs.10,29,092/- towards his tuition fees and living expenses and he is burdened to re-pay back those amounts. Hence this petition.

5. The petitioner would state that he became major on 25.06.2023. This petition is filed on 12.03.2025.

6. It appears that on account of the accident, he lost his father when he was three years old and in the year 2016, his mother also passed away. In such circumstances, in order to have full and effective justice, this Court is incline to allow this petition. Accordingly, this Civil Miscellaneous Petition stands allowed.

10.10.2025

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R. KALAIMATHI, J.

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