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CMP NO. 22564 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CMP NO. 22564 of 2024

AND CMA SR NO. 121794 OF 2024

Gunasekaran

S/o. Mahalingam, No.2/180, VAIyur, Pushpathur, Palani Vattam,
Dindugal District

Appellant(s)

Vs

The New India Assurance Co. Ltd.
No.594, 1st Floor Aapli Towers, T.P.Road, R.S.Puram,
coimbatore-641 002 and 6 Others

Respondent(s)

For Appellant(s):

U. Karunakaran
V Sithannan
K S Murali Kumar
J Ranjith Kumar
S Sibbhiraj

For Respondent(s):

M/s. K. Elangoo-ms/47/1986
M. Santhosh
For R1
(r3 & R6 Minors Rep By R2)
Batta With Petition & Enclosures Due Reg Rr2,4,5,7
Not Ready In Notice Reg Rr2,4,5,7

Private Notice
R-2 Rajeshwari
R-4 Marimuthu
R-5 Valliammal
Rr3 & 6 - Minors (rep By R2)
R-7 Tracking Sheet Only Filed



ORDER

The Civil Miscellaneous Petition has been filed to condone the delay of 783 days in filing the above C.M.A.SR.No.121794 of 2024.

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2. It is stated in the affidavit filed in support of this petition that due to death of the mother and daughter of the petitioner, he was under heavy mental stress and financial strain and hence, he was not able to communicate with the counsel. It is further stated that due to *ex parte* decree, the petitioner could not file the necessary documents to prove his case in M.C.O.P.No.1513 of 2017. It is further stated that the petitioner has received notice in I.A.No.8 of 2024 in M.C.O.P.No.1513 of 2017, dated 28.07.2024, and thereafter only he was aware of the award.

3. On being satisfied with reasons stated in the affidavit and upon hearing the learned counsel appearing for the petitioner, this Court is of the view that the delay may be condoned, however, on payment of costs. Accordingly, the delay is condoned on payment of costs of Rs.2,000/- (Rupees Two Thousand only) by the petitioner to the Tamilnadu Legal Aid Services Authority, Chennai, on or before 20.01.2025. If the costs is not paid on or before 20.01.2025, this C.M.P. stands dismissed without any reference to this Court.

(J.NISHA BANU J.) (R.SAKTHIVEL J.)
06-01-2025

ASI