



CMP(MD). No.6821,6824 AND 6827 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Thirtieth day of April Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE G.ILANGO VAN

CMP(MD). No.6821,6824 AND 6827 of 2025

IN

CMP(MD). No.808 TO 810 of 2025

IN

CMA(MD)SR.Nos.60499 to 60501 of 2024

Cholamandalam M.S. General Insurance Co. Ltd.
New Millennium Complex,
No.384 1st Floor, Kalavasal,
Madurai 10

... Petitioner/Petitioner/ Appealant
in all Petitions

Vs

1 Christy Vanaja Mary,
2 Natchathira Mary,
3 R.Mangai,

... Respondents/Respondents/Respondents
in CMP(MD). No.6821 of 2025

1.Arockiyasami,
2.Jeya Mery,
3.R.Mangai,
4.Vijaya Prabhakaran,



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5.Magma HDI General Insurance Co. Ltd.,

3rd Floor, Raja Barly Building,
79/2, Bye-Pass Road,
Madurai 10

6. Christy Vanaja Mary,

7. Natchathira Mary,

... ... Respondents/Respondents/Respondents
in CMP(MD). No.6824 of 2025

1. Antony Raja Manickam

2. Kuzhandai Teras,

3. R.Mangai ,

4. Vijaya Prabakaran

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5.Magma HDI General Insurance Co. Ltd.,

3rd Floor, Raja Barly Building,
79/2, Bye-Pass Road,
Madurai 10

... Respondents/Respondents/Respondents
in CMP(MD). No. 6827 of 2025

These Petitions are filed under Section 148 r/w Section 151 of CPC to extend the time granted for compliance of condttional order passed in CMP(MD)No.808 to 810 of 2025 in CMA(MD)SR.No.60499 to 60501 of 2024 dated 24.01.2025 before Madurai Bench of Madras High Court



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Prayer in CMP(MD). No.808 TO 810 of 2025 :-

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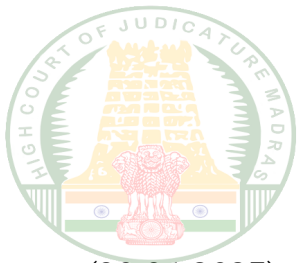
These Petitions are filed under Section Order IV Rule 9(4) of AS Rule to condone the delay of 98 days in Representation of the Appeals Caused in CMA (MD)SR.Nos.60499 to 60501 of 2024 respectively.

Prayer in CMA(MD)SR.Nos.60499 to 60501 of 2024

These Appeals are filed under 173 of Motor Vehicles Act 1988 Against the award dated 28.02.2023 made in M.C.O.P.Nos 332/22,1081/2021 and 1791/2021 respectively on the file of the Motor Accidents Claims Tribunal, Special District Judge(MACT)Madurai

ORDER:- These Petitions coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mrs. K.R. Shivashankari, Advocate for the Petitioner and of Mr.S.K.Venkatraman, Advocate for the respondents, this Court made the following order:

A mention was made yesterday (29.04.2025) by the learned counsel on record for the petitioner to list the present miscellaneous petitions urgently. Later the office informed me that the original order dated 24.01.2025 in all the matters is misplaced and could not be traced. Therefore, the matter could not be listed today. Again today



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(30.04.2025) at 10.30 a.m., the learned counsel on record for the petitioner made a mention to list the matter. Therefore the matter was listed today in the Additional List.

2. When the matter was called today, at 12.30 p.m., learned counsel for the respondent turned up through video conference, stating that he is in outstation and could not appear before this Court without robes and therefore he made submission through audio. He submitted that suppressing the fact of filing the Execution Petitions in E.P.Nos.110, 111 and 112 of 2024, this Civil Miscellaneous Appeals are moved before this Court on 20.01.2025. They also entered through Caveat and in the caveat they made out the above said facts. But an order has been passed by this Court on 24.01.2025, directing the petitioner herein to deposit 60% of the award amount in all the matters within a period of 7 days from the date of receipt of a copy of that order. The copy of the order was made ready on 28.01.2025. According to the learned counsel for the respondent, the above said fact of the proposed filing of E.P. petitions was intimated to the petitioner herein well in advance. But there was no proper response from the petitioner. Even the deposit made by the petitioner is a time barred one since the conditional order is not properly complied.

3. Learned counsel on record for the petitioner would submit that they received the copy of order, only on 05.02.2025. From that date she made deposit



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within the stipulated time.

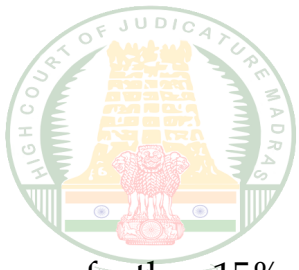
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4. Learned counsel for the respondent made objections stating that it might be made available to the petitioner on 24.01.2025 itself. According to him, the petition ought not to have been entertained.

5. It is verified that the petitioner was not properly represented and the learned counsel on record for the petitioner did not inform the Tribunal about the deposit made. Therefore, the order of attachment was passed on 28.04.2025. So learned counsel for the respondent would submit that if this petition is entertained and allowed, then his valuable right will be affected and he will not be in a position to realise the award amount.

6. It appears that due to some mistake on the part of the Registry in tracing out the original copy, the matter could not be listed in time. There is some lapse on the part of the learned counsel on record for the petitioner before the Tribunal. Because of the lapse only, it appears that the attachment order was passed by the Tribunal. For the lapse committed by the learned counsel for the petitioner, the petitioner Company should not suffer.

7. On the sole ground, these Civil Miscellaneous Petitions are allowed by ratifying the deposits made by the petitioner on 10.02.2025 and 11.02.2025. Since it is a case of death, a query was made to the learned counsel for the petitioner to deposit



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further 15% of award amount in all the matters, so that the respondent may realise 75% of the award amount. This enhanced 15% of the award amount may be deposited by the petitioner on or before 02.06.2025, to the credit of M.C.O.P.No.332 of 2022, M.C.O.P.No.1081 of 2021 and M.C.O.P.No.1791 of 2021 on the file of Special District Judge, Madurai. The respondent herein is permitted to withdraw the original deposit amount and the proposed deposit to be made by the petitioner. In view of this order, the attachment order passed by the Tribunal dated 28.04.2025, shall be kept in abeyance, pending CMA(MD)SR.60499, 60500 and 60501 of 2024.

Sd/-

ASSISTANT REGISTRAR (P & A)

// True Copy //

30/04/2025

Sub Assistant Registrar

TO

1.The Special District Judge(MACT),
Madurai



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Copy to:

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

+1 CC to M/s.K.R.SHIVA SHANKARI, Advocate (SR-5261[I] dated 30/04/2025)

ORDER DATED : 30/04/2025

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ORDER

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CMP(MD). No.6821,6824 AND 6827 of 2025

IN

CMP(MD). No.808 TO 810 of 2025

IN

CMA(MD)SR.Nos.60499 to 60501 of 2024

AS - (30.04.2025) 7P/ 4C

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