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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Twenty Sixth day of August Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CMP(MD). No.9796 of 2025
in
CMA(MD)No.502 of 2023

The Branch Manager,
M/s.United India Insurance Company Limited,
Having its Office at No.42 - Dabeer Theru,
1st Floor, Kumbakonam, Thanjavur District.

... Petitioner/ Appellant

Vs

1 Nagaraj

2 Gopalsamy

... Respondents/ Respondents

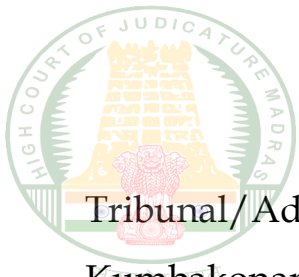
Prayer :-

Civil Miscellaneous Petition filed under order 41 rule 19 of CPC to set aside dismissal order dated 07.06.2023 and restore this appeal in CMA(MD) No.502 of 2023 and permit this appellant to proceed with this appeal.

Prayer in CMA(MD)No.502 of 2023:-

Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles

Act praying this Court to set aside the decree and judgment made in MCOP.No.274 of 2016, dated 27.10.2021, on the file of the Motor Accidents Claims



Tribunal/Additional District Court (Fast Track Court), Additional District Judge, Kumbakonam and to dismiss the above claim.

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 Mr. B. Rajesh Saravanan, Advocate for the Petitioner and of Mr. K. Appadurai, Advocate for the 1st respondent, this Court made the following order:

'This Civil Miscellaneous Petition has been filed to set aside the dismissal order, dated 07.06.2023 and restore the appeal in C.M.A(MD)No.502 of 2023 and permit the appellant to proceed with this appeal.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

3.It is evident from the records that the petitioner's earlier application in CMP(MD)No.1894 of 2025, to condone the delay of 507 days in filing the restoration petition was allowed on 17.06.2025. The present Civil Miscellaneous Petition is filed seeking restoration of the appeal in C.M.A.(MD)No.502 of 2023, which was dismissed for default on 07.06.2023.

4.Considering the reasons assigned, this Court is inclined to allow this petition. Accordingly, this Civil Miscellaneous Petition is allowed. Registry is directed to restore the appeal on file and list the matter on 15.09.2025.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ / 2025

Sub-Assistant Registrar
(C.S - I / II/ III / IV)



The Motor Accidents Claims Tribunal/Additional District Court
(Fast Track Court),
Additional District Judge, Kumbakonam.

Copy to:

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

ORDER DATED : 26/08/2025
Hearing dated : 15/09/2025

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ORDER
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CMP(MD). No.9796 of 2025
in
CMA(MD)No.502 of 2023

Giving direction and etc.
as stated within.

CT (08/09/2025) 3P/3C

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