



WEB COPY

CMP No. 11174 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 28-04-2026**

CORAM

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**CMP No. 11174 of 2026**

**in**

**C.M.A.No.353 of 2019**

1. R.Baggialakshmi
2. R.Rajesh Kumar
3. R.Senthil Kumar
4. R.Deepa Rani
5. D.Soundammal

..Petitioner(s)

Vs

1. R.Jeyadevan
2. Royal Sundaram Alliance Insurance Co Ltd  
21, Pattullos Road,  
Chennai.
3. M/s.National Insurance Co Ltd.,  
Periyar Market Complex,  
Salem-1

..Respondent(s)

To restore the C.M.A.No.353/2019, which was dismissed for non prosecution on 15.11.2023 and pass appropriate orders as this Hon'ble Court deems fit and thus render justice.

For Petitioner(s): Mr.P.Satish

For Respondent(s): Mr.N.Vijayaraghavan  
(For R2)



## ORDER

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This Civil Miscellaneous Petition has been filed to restore the CMA.No.353 of 2019, which was dismissed for non prosecution on 15.11.2023.

2. Heard Mr.P.Satish, learned counsel for the petitioner and Mr.N.Vijayaraghavan, learned counsel for the 2<sup>nd</sup> respondent / Insurance Company.

3. The learned counsel for the 2<sup>nd</sup> respondent/Insurance Company, which has been liable to pay the compensation, would oppose the restoration by contending that in the appeal filed by the second respondent/Insurance company, the award had already been affirmed and hence, nothing survives for adjudication in this appeal so as to warrant restoration.

4. I have considered the objections made by the learned counsel appearing for the 2<sup>nd</sup> respondent.

5. On perusal of the award would indicate that for loss of consortium, only a sum of Rs.10,000/- has been awarded and the Court had not considered the claim for enhancement, but had only affirmed the award made. Hence, the reasons attributed by the second respondent, objecting to the restoration of the appeal stands rejected and the appeal in C.M.A.No.353 of 2019 stands restored. No costs.

**28-04-2026**

**Note: Registry is directed to list the Civil Miscellaneous Appeal for hearing on 05.06.2026**

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**K.KUMARESH BABU, J.**

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