



CMP No. 30141 of 2025
C.M.A.SR.. No.182786 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM

**THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN
THILAKAVADI**

**CMP No. 30141 of 2025
C.M.A.SR. No.182786 of 2025**

1. The United India Insurance Company Limited
Divisional Office, R.K.S.Comi ex 1st Floor,
No.171 -E, Neruji Road,
Villupuram-02

...Appellant

Vs

B.Haridoss1. Vennila
2.Venkatesan

...Respondents

PRAYER

To condone the delay of 724 days in filing the above civil miscellaneous appeal.

For Appellant(s): Mr.R.Rathna Thara

For Respondent(s): Ms.R.Poornima for R1 & R2
R3 Notice dispense with



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ORDER

The captioned civil miscellaneous Petition is preferred by the appellant/Insurance Company to condone the delay of 724 days in preferring the present Appeal.

2. According to the appellant/Insurance Company order copy in MACT.No.58 of 2019 was made ready only on 08.02.2023 and delivered on 09.02.2023 and after receipt of the said order copy the same was sent to the Divisional Office of the Appellant/Insurance Company. The Divisional Officer forwarded the case papers along with the opinion of the trial Court counsel to the Regional Office of the Appellant/Insurance Company, Pondicherry. Hence, the above delay occurred.

3. The learned counsel for the appellant/Insurance Company would submit that though the Tribunal has apportioned 80% negligence on the part of the offending vehicle and 20% contributory negligence on the deceased, the same was not considered at the time of calculating the total award amount. The mistake has to be rectified by this Court. Hence, prayed for allowing this application.



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4.The learned counsel for the respondent resisted the present petition by stating that the intention of the appellant/Insurance Company is only to drag on the proceeding and it is further submitted that the proceedings of the execution petition was initiated and the appellant/insurance Company also participated in the execution proceeding and an order has been passed. At the time of filing withdrawal petition by the respondent/claimant, the present civil miscellaneous appeal is preferred along with the condone delay petition. No sufficient cause is shown by the appellant/Insurance Company.

5.Heard on both sides and records perused

6. Considering the reasons attributed in the support affidavit and the submission made by the learned counsel for the appellant/Insurance Company, in the interest of justice, the said application is allowed on payment of cost Rs.5000/- by the petitioner to the respondent on or before 09.02.2026. On payment of such cost, the Registry is directed to number the civil miscellaneous Appeal, if it is otherwise in order, and list the same on 10.02.2026.

7. Ms.R.Poornima, learned counsel takes notice for the respondents 1 &2.



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8.In view of the endorsement made by the learned counsel for the appellant/Insurance Company, notice to the 3rd respondent is dispensed with.

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vsn



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K.GOVINDARAJAN THILAKAVADI J.

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