



CMP(MD) Nos.3402 & 3403 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-04-2026

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

C.M.P.(MD)Nos.3402 and 3403 of 2026

in

C.M.A.(MD)No.418 of 2022

C.M.P.(MD)No.3402 of 2026:-

Vasanti Sangoi,
W/o Mukesh Sangoi,
603/B, Jolly Apartment C.H.S.Limited,
Plot No.6, Saraswathy Road,
Santacruz West,
Mumbai - 400 054.

... Petitioner

Vs

1.Palak Sangoi,
W/o Kapil Sangoi ,
No.A-76 Shanthi Niketan Apartments,
Near Ambiga Theatre,
Anna Nagar, Madurai - 625 020.

2.M.Sathishkumar,
S/o Notknown,
No.25 3rd Street,
Ramesh Nagar Extension,

1/7



Tambaram West,
Kancheepuram District – 600045.

3.M/s.Cholamandalam MS General Insurance Company,
Dare House II Floor,
NSC Bose Road,
Chennai – 600001.

... Respondents

For Petitioner:

Mr.P.Sathish Kumar

For Respondents:

Mr.Vijaya Kumar, Senior Counsel,
For Mr.M.Kumar for R1.

Prayer: To Recall the order dated 28.01.2025 passed in C.M.A.(MD)No.418 of 2022 and hear the matter afresh on its merits on such terms and conditions as this Honourable Court may deem fit and proper and thus render justice.

C.M.P.(MD)No.3403 of 2026:-

Vasanti Sangoi,
W/o Mukesh Sangoi,
603/B, Jolly Apartment C.H.S.Limited,
Plot No.6, Saraswathy Road,
Santacruz West,
Mumbai - 400 054.

... Petitioner

Vs

1.Palak Sangoi,
W/o Kapil Sangoi ,
No.A-76 Shanthi Niketan Apartments,
Near Ambiga Theatre,
Anna Nagar,
Madurai - 625 020.



WEB COPY

2.M.Sathishkumar,
S/o Notknown,
No.25 3rd Street,
Ramesh Nagar Extension,
Tambaram West,
Kancheepuram District – 600045.

3.M/s.Cholamandalam MS General Insurance Company,
Dare House II Floor,
NSC Bose Road,
Chennai – 600001.

... Respondents

For Petitioner:

Mr.P.Sathish Kumar

For Respondents:

Mr.Vijaya Kumar, Senior Counsel,
For Mr.M.Kumar for R1.

Prayer: To stay the execution and operation of the order dated 28.01.2025 passed in C.M.A.(MD)No.418 of 2022 till the disposal of this Civil Miscellaneous Petition and thus render justice.

COMMON ORDER

(Order of the Court was made by the Hon'ble G.R.Swaminathan J.)

The respondent in these civil miscellaneous petitions filed C.M.A.(MD)No.418 of 2022 questioning the apportionment made by the Tribunal vide order dated 07.03.2016 in M.C.O.P.No.330 of 2012 on the file of the IV Additional District Court (MACT), Madurai. The civil miscellaneous appeal was disposed of by us on 28.01.2025. The



WEB COPY

petitioner in these civil miscellaneous petitions did not appear when the civil miscellaneous appeal was taken up for main hearing. In fact, adequate opportunity was afforded. Seeking recall of the said order, C.M.P.(MD)No.3402 of 2026 has been filed.

2.It is relevant to note that this civil miscellaneous petition was originally listed under the caption “for maintainability”. Even at that stage, there was no representation on behalf of the petitioner. The matter was adjourned on as many as three occasions. We overruled the objection raised by the Registry and directed numbering of these civil miscellaneous petitions. Even after these miscellaneous petitions were numbered and taken up for hearing, there was still no representation on behalf of the petitioner. When we were able to dispose of the matter, a learned counsel from Mumbai appeared through video conferencing mode and sought adjournment. In fact, adjournment was sought on two occasions and on the last occasion, the following order was passed:-

“We made it clear to the learned counsel appearing for the petitioner herein that this Court would consider allowing the recall petition, if the petitioner is ready to argue the main



WEB COPY



appeal itself on merits on the same day when the recall petition is allowed.

2.Shri.Ghanshyam Upadhyay, the learned counsel for the petitioner herein/first respondent in the civil miscellaneous appeal undertakes to argue the main appeal itself on 08.04.2026.

3.Call this case on 08.04.2026.”

3.Today, ie., 08.04.2026, when the matter was taken for hearing, the learned counsel representing the petitioner submitted that one more affidavit has to be filed and that therefore, they want further time in the matter. The learned senior counsel from Chennai representing the first respondent reports that he has been physically present on more than one occasion.

4.We are of the view that the petitioner wants to drag on the proceedings. On the last occasion, we made it clear that the petitioner's counsel must be ready to argue the civil miscellaneous appeal itself finally and only on that condition these civil miscellaneous petitions will



WEB COPY

be allowed. Today, since the petitioner is not ready to get along with the civil miscellaneous appeal, we have no other option but to dismiss these civil miscellaneous petitions. Accordingly, they are dismissed. The dismissal of these civil miscellaneous petitions is only in terms of our order passed on the previous occasion.

(G.R.SWAMINATHAN J.) (R.POORNIMA J.)
08-04-2026

ias

To

1.Palak Sangoi,
W/o Kapil Sangoi ,
No.A-76 Shanthi Niketan Apartments,
Near Ambiga Theatre,
Anna Nagar,
Madurai - 625 020.

2.M.Sathishkumar,
S/o Notknown,
No.25 3rd Street,
Ramesh Nagar Extension,
Tambaram West,
Kancheepuram District – 600045.

6/7



WEB COPY

3.M/s.Cholamandalam MS General Insurance Company,
Dare House II Floor,
NSC Bose Road,
Chennai – 600001.

Copy to:

- 1.The IV Additional District Court (MACT),
Madurai.
- 2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.