

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A.No.594 of 2006

JUDGMENT

The instant appeal has been preferred by the claimants challenging the order and decree dated 05.07.2005 in M.V.O.P.No.5 of 2004 on the file of the Motor Accidents Claims Tribunal-cum-Principal District Court, Kurnool.

2. Learned counsel for the second respondent-New India Assurance Company Limited submits that the claim of the parties was settled before the Lok Adalat in MA CMA No.5293 of 2008 preferred by the second respondent challenging the very same order and decree passed in M.V.O.P.No.5 of 2004, and consequently this Court disposed of the said appeal in terms of the award passed by the Lok Adalat, by judgment dated 12.12.2012. He further submits that on the date when Lok Adalath settled the claim in MA CMA No.5293 of 2008, the pendency of instant appeal (MA CMA No.594 of 2006) was not brought to the notice of the Lok Adalat and that is why it has been pending.

3. Copy of the judgment dated 12.12.2012 in MA CMA No.5293 of 2008 is placed on record.

4. The appellants herein are respondents 1 to 5 in MA CMA No.5293 of 2008.

5. On 26.03.2015, since there was no representation for the appellants, the instant appeal was ordered to be listed under the caption "for orders". Since the claim of the parties was settled in MA CMA No.5293 of 2008 preferred by the

second respondent-insurance company and the same was disposed of in terms of the award passed by the Lok Adalat, the instant appeal cannot survive as all the appellants are parties to the award, which would bind them.

6. Therefore, instant MA CMA No.594 of 2006 is also disposed of in terms of the award passed by the Lok Adalat in MA CMA No.5293 of 2008. A copy of the award passed in MA CMA No.5293 of 2008 shall form part of this order. There shall be no order as to costs.

7. As a sequel thereto, miscellaneous petitions, if any, pending in this appeal shall stand closed.

**A. SHANKAR
NARAYANA, J**

6th April, 2015

sj

