

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL MISCELLANEOUS APPEAL No. 802 OF 2003

DATED 2ND NOVEMBER, 2015

BETWEEN

K.Arumugham

...Appellant

And

D.Bhaskar and anr

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

CIVIL MISCELLANEOUS APPEAL No. 802 OF 2003

ORDER:

This Civil Miscellaneous Appeal is preferred by the claimant seeking enhancement of compensation.

O.P.No. 131 of 1998 filed by the claimant before the Motor Vehicle Accident Claims Tribunal-cum-First Additional District Judge, Chittoor claiming compensation of Rs.1,00,000/- on account of injuries sustained by him in a motor vehicle accident that occurred on 01.01.1998 was allowed by Award dated 19.08.2002 and compensation of Rs.13,275/- with interest at 9% per annum was awarded.

The first respondent herein is the owner of the vehicle. By docket order dated 17.02.2011 the appellant was

directed to take out notice to the first respondent by RPAD. However, no personal notice was taken out to the first respondent. For non service of the first respondent, the appeal was dismissed as against the first respondent who was the owner of the vehicle. In the absence of the owner of the vehicle, the present appeal cannot be adjudicated with the second respondent-Insurance Company whose liability is coextensive with that of the owner of the vehicle. In the circumstances, the appeal is dismissed.

Miscellaneous petitions pending consideration if any in the Civil Miscellaneous Appeal shall stand dismissed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 2nd November, 2015.

Msnr_x