

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A. No.1838 of 2013

The Royal Sundaram Alliance
Insurance Co. Ltd.,
Sundaram Towers,
No.46, Whites Road,
Chennai 600 014.

... Appellant/2nd Respondent

Versus

1.K.Arumugam

... R1/Petitioner

2.R.Suriyamoorthy

... R2/Ist Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 06.08.2012 made in M.C.O.P.No.275/2008 on the file of the Motor Accidents Claims Tribunal, (I Additional Subordinate Judge), Cuddalore.

For Appellant : Ms.C.Harini for
Mr.N.Vijayaraghavan

For Respondents: Ms.Ramya V.Rao for R1
R2-Dismissed vide order
dated 27.07.2015

सत्यमेव जयते
J U D G M E N T

The Royal Sundaram Alliance Insurance Company having suffered the impugned award dated 06.08.2012 passed in M.C.O.P.No.275/2008 on the file of the Motor Accidents Claims Tribunal, (I Additional Subordinate Judge), Cuddalore, has filed the present Civil Miscellaneous Appeal against the second respondent seeking pay and recovery.

2.However, the docket order dated 27.07.2015 shows that a direction was given to the counsel for the appellant to pay the batta and thereupon to comply with the requirements of the registry on or before 10.08.2015 with a condition that if the

requirements of the registry are not complied with on or before the specific date, the appeal shall stand dismissed. Since the said direction to pay the batta has not been complied with, the appeal as against R2 has already been dismissed. Therefore, the Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Consequently, Connected miscellaneous petition is closed. Claimant is permitted to withdraw the entire amount already deposited in the Trial Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Motor Accidents Claims Tribunal,
(I Additional Subordinate Judge),
Cuddalore.
2. The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.A.N.Viswanatha Rao, Advocate, S.R.No.52575
+1cc to Mr.M.B.Gopalan, Advocate, S.R.No.52935

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UG(CO)
CA(19/10/2016)

सत्यमेव जयते

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