

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

Coram:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.M.A.No.4149 of 2008

1.C.Meenakumri
2.C.Sakthi Nrayanan
3.C.Aswin Kumar (Minor) rep. By
mother and next friend 1st appellant
all residing at No.98, Kothandaram
Koil Street, West Mambalam,
Chennai-600 033. .. Appellants

vs.

1.V.Venkatesulu Chety,
No.20-67, Tahsildar Street,
Newpet, PALAMANER,
Chittoor Dist. Andhra Pradesh.
2.United India Insurance Co. Ltd.,
Motor Third Party Claims Cell,
No.38, Anna Salai, Chennai-600 002.
(since abolished) service at
United India Insurance Company,
Regional Office, Silingi Buildings,
No.134, Greams Road, Chennai-600 006... Respondents

This Civil Miscellaneous appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 29.07.2008 made in MACT OP.No.2798 of 2000 on the file of the Fast Track Court No.I, Motor Accidents Claims Tribunal, Chennai.

For petitioner : Mr.M.Swamikannu
For respondents : No appearance for R1
Mr.S.Arunkumar for R2

JUDGMENT

(Judgment of the Court was delivered by M.M.Sundresh,J.)

The appellants, who are the claimants, have filed this appeal being aggrieved over the order passed by the Tribunal, by which, their claim was dismissed on the ground that in a

petition in M.V.O.P.No.276 of 2002 filed by the first respondent herein before the District Judge, Chithoor, in which, it was ordered that the driver of the car owned by the appellants was held responsible and directed to pay a sum of Rs.50,000/- towards damages with interest at 9% per annum and consequently, the insurer of the appellants was made liable. Till date, no appeal has been filed as against the said order and hence, the order passed by the M.V.O.P.No.276 of 2002 stands. In such view of the matter, we do not find any error in the order passed by the Tribunal in dismissing the claim petition as the decision rendered already is binding on the appellants. Accordingly, the appeal stands dismissed. However, liberty is given to the appellants to file appropriate application to restore this appeal as and when the order passed in M.V.O.P.No.276 of 2002 is set aside or clarified in favour of the appellants. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To
The Fast Track Court I,
Motor Accidents Claims Tribunal,
Chennai.

+1 cc to M/s.M.Swamikannu,advocate,sr.68907

+1 cc to M/s.S.Arunkumar,advocate,sr.68673.

ssk(co)
krd 13/2

C.M.A.No.4149 of 2008

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