

HON'BLE SRI JUSTICE S. RAVI KUMAR

M.A.C.M.A.No.2346 of 2014

JUDGMENT:

This appeal is preferred against award dated 08.01.2014 in M.V.O.P.no.1362 of 2011 on the file of Motor Accidents Claims Tribunal-cum-X-Additional Chief Judge, City Civil Court, Hyderabad.

2. This Court passed an order on 03.09.2015 permitting appellant to take personal notice to respondent through registered post with acknowledgment due and file proof of service before the Registry and Registry was directed to post this matter after filing such proof of service. This matter was listed on 03.06.2016, as there was no representation for appellant, it was directed to be listed under the caption 'for dismissal' on 13.06.2016. Again on 13.06.2016 there was no representation, in spite of that case was again adjourned to 16.06.2016 under the same caption. When this matter was taken up on 16.06.2016, on the request of advocate for appellant two weeks time is granted and again when this matter is listed on 30.06.2016 on the request of advocate for appellant one week time was granted. On 08.07.2016, advocate for appellant represented that batta is paid under U.S.R.No.21897 of 2016 and on that the matter is adjourned directing the office to verify. When this matter is listed today, advocate for appellant represented that batta

was paid on 30.06.2016 and when this Court has asked advocate as to the compliance of order dated 03.09.2015, advocate for appellant represented that this Court permitted him to take fresh personal notice on 30.06.2016 and in compliance of that notice was sent on 30.06.2016 through registered post, but postal acknowledgment is not yet returned. But, as seen from the proceeding sheet, no such permission is accorded to advocate for appellant to send fresh notice as represented. The fact remains that appellant has not complied with the order dated 03.09.2015 and for which purpose time was taken by advocate from 30.06.2016 onwards.

3. As the order dated 03.09.2015 is not complied, the appeal is dismissed for non-compliance of the order dated 03.09.2015.

4. Miscellaneous petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

10th August 2016.

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