THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

M.A.C.M.A.No.586 of 2013

JUDGMENT:

Aggrieved of the order dated 21.01.2013 of the learned Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge, Kurnool at Nandyal passed in IA.No.2303 of 2012 in MVOP.No.21 of 2003, the unsuccessful petitioner therein/1st respondent/owner of the vehicle involved in the accident preferred this appeal. IA.No.2303 of 2012 was filed under Order IX Rule 13 of the Code of Civil Procedure, 1908 ('the Code', for brevity) requesting to set aside the *ex parte* award dated 22.12.2009 passed against the 1st respondent in the aforesaid MVOP and to give it an opportunity to contest the said OP.

Heard the submissions of the learned counsel for the appellant, the learned counsel for the 1st respondent/Insurance company and also the learned counsel appearing for the respondents 2 and 3/claimants.

At the hearing, it is fairly conceded that this appeal is not maintainable against the orders dismissing an application filed under Order IX Rule 13 of the Code.

In that view of the matter, the MACMA is accordingly dismissed as not maintainable. No order as to costs.

Miscellaneous petitions pending, if any, in this appeal shall also stand dismissed.

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JUSTICE M. SEETHARAMA MURTI

26.08.2016
Vjl