IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.P.No.7565 of 2017 in C.M.A. SR.No.9707 of 2016

S.Jayanthi and another ...Petitioner/Appellant

Vs

Tamil Nadu State Transport Corporation Ltd.,
Represented by its Managing Director
Kancheepuram District. ... Respondent/Respondent

PRAYER: Civil Miscellaneous Petition filed Under Section 173 (1) of M.V.Act, to condone the delay of 1244 days in preferring the above appeal against the judgment and decree dated 21.02.2012 made in M.A.C.T.O.P.No.706/2008 on the file of the Motor Accidents Claims Tribunal, Additional District and Sessions Judge, FTC No.III, Chennai.

For Petitioner : Mr.R.Manoranjitham

For Respondent : No Appearance

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O R D E R

This Civil Miscellaneous Petition has been filed to condone the delay of 1244 days in preferring the appeal as against the judgment and decree, dated 21.02.2012 made in M.A.C.O.P.No.706/2008 on the file of

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the Motor Accidents Claims Tribunal, Additional District and Sessions Judge, FTC No.III, Chennai.

2.Learned Counsel appearing for the appellant submitted that an appeal was filed in C.M.A.No.449/2015, by the respondent/Transport Corporation which has been dismissed by this Court enhancing the Compensation payable to the Claimant and therefore, nothing survives for consideration in this appeal and therefore, prayed that this appellant may be permitted to withdraw this appeal.

3.In such circumstances, the judgment passed in C.M.A.No.1308/2017 will be a bar for hearing this appeal on merits, as the issue has already been settled vide the above said order in C.M.A.No.449/2015. Hence, nothing survives for consideration in this appeal and accordingly, the appeal filed by the appellant is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

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Dr.S.VIMALA, J.,

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Copy to:

Tamil Nadu State Transport Corporation Ltd.,
Represened by its Managing Director
Kancheepuram District.

C.M.P.No.7565 of 2017

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