

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.11.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. NO. 3222 OF 2017

AND

C.M.P. NO. 19996 OF 2017

The Managing Director
Tamil Nadu State Transport Corporation Ltd.
No.3/137, Salamedu
Valudhu Reddy PO, Villupuram. .. Appellant/3rd Respondents

- Vs -

1. N.Vijayakumar
2. A.Shanmugam
3. United India Insurance Co. Ltd.
No.38, Anna Salai, Chennai - 2. .. Respondents/1st & 2nd
Respondents in Trial Court

Civil Miscellaneous Appeal filed u/s 173 of the Motor Vehicles Act against the judgment and decree dated 21.10.2011 passed by the Motor Accident Claims Tribunal (VI Court of Small Causes), Chennai, made in MCOP No.607 of 2005.

For Appellant : Mr. N.Vijayakumar
For Respondent : Mr. J.Ramkumar for R-1

JUDGMENT

This appeal has been filed by the Transport Corporation/appellant, challenging the award passed by the Tribunal for a sum of Rs.1,29,706, as against the claim made for a sum of Rs.2,50,000/-.

2. Learned counsel appearing for the 1st respondent/claimant, produced before this Court, the copy of the order dated 20.4.17, passed in the appeal filed by the claimant in CMA No.1308/2017, challenging the order of the Tribunal and claiming enhancement. It is seen from the said order that the appeal has been partly allowed and appellant herein, (who was the 3rd respondent in the said appeal), was heard through its counsel.

3. In such circumstances, the judgment passed in CMA No.1308/17 will be a bar for hearing this appeal on merits, as the issue has already been settled vide the above said order in CMA No.1308/17. Hence, nothing survives for consideration in this appeal and accordingly, the appeal filed by the Transport Corporation is dismissed as infructuous. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

GLN

To

1.Addl. District Judge-cum-Special Court E.C. Act
(VI Court of Small Causes)
Chennai.

2.The Section Officer
VR Section High Court,
Madras-104

+1 cc to M/s.A.Antony Arokiaraj Advocate sr 80834

C.M.A. NO.3222 OF 2017

sj(co)
aa24/01/2018