

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL MISCELLANEOUS APPEAL No.3992 OF 2004

JUDGMENT:

This Appeal was preferred against the Award, dated 13.05.2004, passed by the Motor Accident Claims Tribunal, Nizamabad, in O.P.No.515 of 1999. The claim was filed by the legal representatives of the deceased, Smt Rukhia, for the motor vehicle accident that occurred on 06.02.1998 claiming compensation of Rs.5,00,000/-. The Tribunal awarded an amount of Rs.1,31,000/- along with interest at 9% per annum making the owner of the vehicle and the insurance company jointly and severally liable.

In the Appeal, the owner of the vehicle/first respondent was not served and the Appeal was dismissed for default as against him, by order, dated 29.11.2017. In view of the decision of this Court in **Kanamarlapudi Nirmal Devi vs. Shaik Abdul Razak**¹, the notice to the first respondent owner may not be necessary in view of his remaining *ex parte* before the Tribunal.

Today, when the matter is taken up for hearing, learned counsel for the appellants is absent and there is no representation.

In the circumstances, the Civil Miscellaneous Appeal is dismissed for default/non-prosecution. Consequently, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

03.04.2018
pln

¹ 2016 (2) ALD 487