

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1280 of 2003

and

M.P.No.176 of 2011

1.Meenakshi

2.Balaraman

... Appellants

Vs.

1.Somasundaram

2.Kathaiyan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, to set aside the award passed in M.C.O.P.No.517 of 2001 dated 18.02.2002 on the file of the Motor Accidents Claims Tribunal (Principal District Judge), Nagapattinam and consequently to enhance the quantum as Rs.5 lakhs with interest.

For Appellants : M/s.K.T.P.Kuilmozhi

For R1 : M/s. Om Sai Ram

For R2 : Not ready in notice

O R D E R

This case was coming up in the list on several occasions. However, on several occasions, the adjournment was sought by the learned counsel for the appellants.

2.Today when the case is taken up for hearing and on perusing the order sheet, it is noticed that a fresh notice was ordered on 28.01.2015 to the respondents returnable by 04.02.2015. Private notice was also permitted along with paper publication. During the pendency of the present Civil Miscellaneous Appeal, the 1st respondent died.

3.However, till the date, neither the notice has been served on the 2nd respondent nor any paper publications was made though the notice and paper publication were permitted.

4.In view of the same, I am of the view the present Civil Miscellaneous Appeal is liable to be dismissed as notice on the 2nd respondent has neither been served nor the legal representatives of the deceased 1st respondent have been impleaded.

5. Accordingly, the present Civil Miscellaneous Appeal is dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

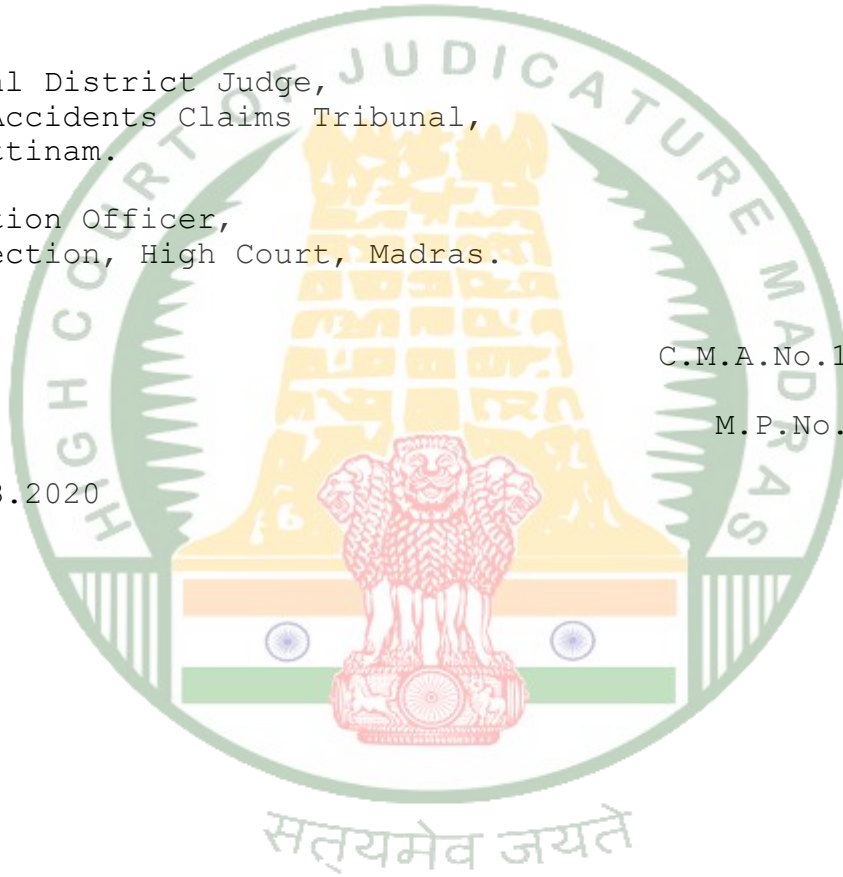
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To

1. Principal District Judge,
Motor Accidents Claims Tribunal,
Nagapattinam.
2. The Section Officer,
V.R. Section, High Court, Madras.

C.M.A.No.1280 of 2003
and
M.P.No.176 of 2011

NR (CO)
CSR: 05.03.2020



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