

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2821 of 2010
and M.P.No.1 of 2010

(Through Video Conferencing)

The Branch Manager,
New India Assurance Co., Ltd.,
Branch Office,
Bye Pass Road, Hosur Town.
(Impleaded as 3rd respondents
as per order in I.A.No. /99
dt.21.7.1997) ... Appellant/3rd Respondent

vs

1. Lakshmi
2. P.Murugesan
3. National Insurance Company Ltd.,
Bangalore Road,
Krishnagiri.
(R3 not necessary party in
this proceedings hence given
up) ... Respondents/Petitioners/
1 & 2nd Respondents

Prayer.: This Civil Miscellaneous Appeal has been filed under
Section 173 of the Motor Vehicles Act, 1988 against the Judgment
and Decree dated 17.12.2004 made in M.C.O.P.No.1195 of 1994 on
the file of the Motor Accident Claims Tribunal (1st Additional
District Court) Dharmapuri at Krishnagiri.

For Appellant : No Appearance

For R1 & R2 : No Appearance

J U D G M E N T

This appeal has been listed on several dates . However,
there has been no representation on behalf of the appellant on
21.09.2020, it was mentioned that the case had been disposed on
06.02.2019. The said order reads under:-

" Mr.S.Balasubramanian, represented on behalf of the learned counsel for the appellant/Insurance Company submitted that the appeal had been disposed on 06.02.2019 and that the case has been listed by mistake. However, it is noticed that the learned Judge who had passed an oral order on 06.02.2019 in the Court has recalled that same as he was unable to dictate the detailed order due to paucity of time. Therefore, the case was listed on 08.11.2019 and notice was ordered returnable in four weeks time and private notice also was permitted. During the present spell also the case was listed before me on several occasions. However there was no representations on behalf of the appellant/Insurance Company on 29.07.2020, 13.08.2020 and 01.09.2020.

2. Since, the order dated 06.02.2019, disposing the appeal has been recalled by the learned Judge on 14.03.2019, this case is listed for hearing. The Registry is directed to list the case again for hearing. In the meanwhile, the appellant/Insurance Company is permitted to take out the notice on the respondents as was ordered on 08.11.2019. "

2. However, it was noted that though this Court had passed the above order in the open Court on 21.09.2020 still there is no representation on behalf of the appellant - Insurance Company. Today, i.e. 15.12.2020 also there is no representation on behalf of the appellant. It appears that the appellant is not interested in prosecuting the present case. Hence, I am inclined to dismiss the civil miscellaneous appeal. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kkd

Notes:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Motor Accident Claims Tribunal,
(1st Additional District Court)
Dharmapuri at Krishnagiri.

C.M.A.No.2821 of 2010
and M.P.No.1 of 2010

AJS (CO)
CSR 08/04/2021



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