

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Civil Miscellaneous Appeal No.433 of 2016 and
C.M.P.No.3228 of 2016

V.Shanmuganathan,
S/o.Valaiyanathan,
No.G-2, Amboini Apartments,
No.17, Pose Road 2nd Street,
Teynampet, Chennai - 600 018.

... Appellant

vs

G.Seenakesavan,
S/o.Gurusamy,
Cellappa Colony, Vettampadi,
Namakkal Taluk and District.

... Respondent

Prayer:- Civil Miscellaneous Appeal is filed under Order 41 Rule 1 of C.P.C., to set aside the fair and decretal order dated 14.09.2015, in I.A.No.669 of 2015 in M.C.O.P.No.1311 of 2013, on the file of the Motor Accident Claims Tribunal, Additional District Court, Namakkal.

For Appellant : Mr.M.Deivanandam

For Respondent : NA

JUDGMENT

(The case has been heard through video conference)

This appeal is preferred against the dismissal of an interlocutory application in I.A.No.669 of 2015 in M.C.O.P.No.1311 of 2013, dated 14.09.2015, on the file of the Motor Accident Claims Tribunal, Additional District Court, Namakkal, filed under Order 9 Rule 7 to set aside the exparte order passed against the appellant herein.

2. The Tribunal dismissed the application and proceeded to pass award. Even before this appeal was taken up for admission, the Tribunal has passed the award on 23.02.2016. Therefore, the

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order passed in interlocutory application has got merged with the final order passed in the award. Hence, nothing survives for further adjudication in this civil miscellaneous appeal filed against the dismissal of interlocutory application.

3. Therefore, this civil miscellaneous appeal is dismissed as infructuous. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

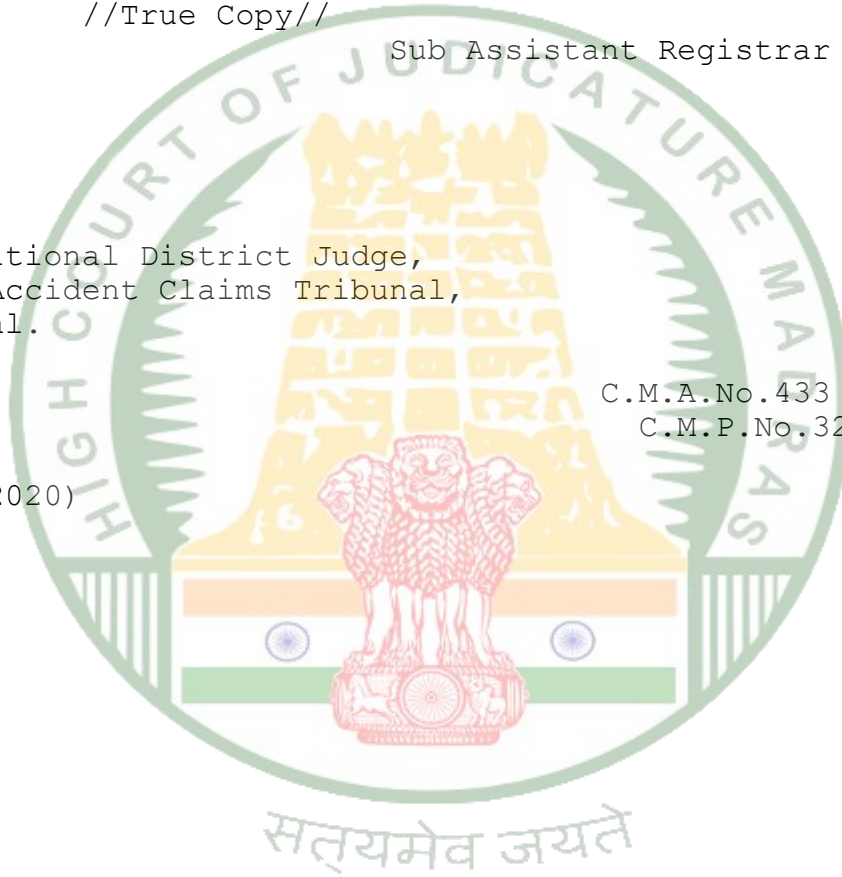
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To

1.The Additional District Judge,
Motor Accident Claims Tribunal,
Namakkal.

C.M.A.No.433 of 2016 and
C.M.P.No.3228 of 2016

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