



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No.1421 of 2006

and

C.M.P. (MD) No.1 of 2006

WEB COPY

The New India Assurance Company Ltd.,
490-A, 1st Floor
Avanashi Road
Peelamedu
Coimbatore-04

... Appellant/2nd Respondent

-vs-

1.P.Durairaj

... 1st Respondent/Claimant

2.A.Lohirajan

... 2nd Respondent/1st Respondent

[R2 Insured remained *Ex parte*]

PRAYER: Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the award passed on 01.09.2005 and made in M.C.O.P.No.2310 of 2000, on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Tiruchirappalli.

For Appellant : Mr.R.Srinivasan

For Respondents: R1 - Dismissed vide Order dated 29.11.2017
R2 - *Ex parte*

J U D G M E N T

This civil miscellaneous appeal is directed against the Award, dated 01.09.2005, passed in M.C.O.P.No.2310 of 2000, by the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tiruchirappalli.

2. On perusal of the records, it is seen that the claim petition was filed by the first respondent herein and the Tribunal has passed Award, which is impugned in this civil miscellaneous appeal. It is further seen that as against the first respondent, the appeal was dismissed as early as on 29.11.2017, however, the appellant has not taken any steps to set aside the dismissal order so far. Hence, this Court is of the view that the appellant has no right to proceed further against the first respondent as well as the second respondent, who is only a formal party.



3. Accordingly, the civil miscellaneous appeal is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note :

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.

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To:

The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Tiruchirappalli.

C.M.A. (MD) No.1421 of 2006
and
C.M.P. (MD) No.1 of 2006

07.10.2020

KMK (CO)
NR (29/10/2020) 2P : 2C