

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CMA.No.1148 of 2012
and
M.P No.1 of 2012

The National Insurance Co. Ltd
Rep. by its Branch Manager
12, New Hospital Road
Gobi Town in Verrapandi Village
in Gobi Taluk

..Appellant

Vs.

1.Anandaramu
2.Sasikala
3.Janaki
4.Lakshmi
5.Loganathan
6.Managing Director
Sri Sakthi Transport Bus Co. Ltd.,
34, Poiyerrikarai, Maikalpalayam
Anthiyur Village and Casba
Bhavani Taluk

.. Respondents

Prayer: This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and award dated 30.09.2005 passed in M.C.O.P.No.151 of 2003 by the First Additional Subordinate Judge, Motor Accident Claims Tribunal, Gobichettipalayam.

For Appellant : Mr. S.Arunkumar

For Respondents : Mr.Ma.P. Thangavel-R1 to R4
Notice unserved to R5
Notice served to R6

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J U D G M E N T

When the matter is taken up today for hearing, Mr.Ma.P.Thangavel, learned counsel appearing for the respondents/claimants 1 to 4 would submit that the claim petition in M.C.O P No.151 of 2003 was filed on 21.01.2003 and the award was passed by the Tribunal in the aforesaid claim

petition on 30.09.2005. Subsequent to the award passed by the Tribunal, the respondents/claimants 1 to 4 had withdrawn the entire compensation amount in the year 2006 itself.

2. As seen from the records, after the withdrawal of the amount by the respondents/claimants 1 to 4, this appeal has been filed on 14.08.2006 before this Court and the same was numbered only in the year 2012. Therefore, the present appeal is not maintainable and the same has come infructuous. Eventhough the appeal has been filed in the year 2006, it was numbered only after 6 years. Therefore, in view of the aforesaid reasons, at the instance of time, there is no warrant to adjudicate the matter on the merits of the appeal. Therefore, recording the submissions made by the learned counsel for the respondents/claimants 1 to 4, this Civil Miscellaneous Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The First Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Gobichettipalayam.
2. The National Insurance Co. Ltd
12, New Hospital Road
Gobi Town in Verrapandi Village
in Gobi Taluk
3. Section Officer, V.R.Section,
Madras High Court, Chennai-104.

+1cc to Mr.S.Arunkumar, Advocate, S.R.No.19972

CMA No.1148 of 2012
and
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SMI (CO)
CB(07/07/2021)