



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

CMA. No.3509 of2012

The New India Assurance Co.Ltd.,
No.1, Bharathi Road,
Arcod Woodlands Buildings,
Cuddalore

... Appellant/2nd Respondent

..vs..

1.R.Pavadai
S/o.Rathinam

...1st Respondent/Claimant

2.C.Agoramurthy
S/o.Chandrasekaran.

...2nd Respondent/1st Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree dated 21.04.2007 made in MCOP.No.1488 of 2004 on the file of Additional Sub Judge-I, (Motor Accidents Claims Tribunal), Cuddalore.

For Appellant : M/s.K.Padmanabhan

For Respondents : Notice unserved

JUDGMENT

Dissatisfied with the judgment and decree, dated 21.04.2007, passed by the tribunal awarding compensation of Rs.2,03,200/- along with interest at the rate of 7.5% per annum, the Appellant/ Insurance Company is before this Court to set aside the judgment and decree by the tribunal.

2. Heard the learned counsel appearing for the appellant/insurance company and perused the documents available on record.

3. It is seen from the records that when the appeal came up before this Court for admission on 04.02.2013, this Court admitted the appeal and ordered notice to the respondents. Thereafter the appeal listed before this Court on 08.01.2021. Based on the submissions made by the learned counsel for the appellant, this Court, as a last chance, permitted the learned



counsel for the appellant to take fresh private notice to the 1st respondent and also directed to serve copies to the learned counsel appeared on behalf of the 1st respondent before the tribunal. Further this Court made is clear that the appeal will be dismissed as against the 1st respondent, if no such steps taken within the time frame. It is also seen from the records that subsequently, at the request of the learned counsel for the appellant the matter came to be adjourned on 29.01.2021, 12.02.2021 and 19.02.2021 for filing affidavit of service, but till date the learned counsel for the appellant has not filed Affidavit of Service and the status in records shows 'Notice unserved'.

4. Despite several opportunities granted to the learned counsel for the appellant, no effective have been taken by the learned counsel for the appellant to serve notice and contest the case. Even after lapse of nine years, still the learned counsel seeks time to serve notice to the 1st respondent.

5. In view of such lapses of the part of the learned counsel for the appellant, this Court is not inclined to keep it pending this appeal without any progress and the same is liable to be dismissed.

6. In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Sub Judge-I,
Motor Accidents Claims Tribunal,
Cuddalore.
2. The Section Officer,
V.R.Section, Madras High Court,
Chennai-104.

+1cc to Mr.K.Padmanabhan, Advocate Sr.16349

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sv[co]
srg 07/10/2021