



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2021

CORAM:

THE HONOURABLE **MRS. JUSTICE R. THARANI**

C.M.A(MD) No.131 of 2013

1.K.Periyasamy (Died)

2.Alli

3.Senthilkumar

4.Ravikumar

(Appellants 2 to 4 are brought on record as

LR's of the deceased sole appellant vide

Court order, dated 08.07.2021, made in

C.M.P.(MD)Nos.4713 to 4715 /2021)

... Appellants

Vs.

1.Saraswathi

2.The Branch Manager,

National Insurance Company Ltd.,

3-A, North Veli Street, Madurai.

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the judgment and decree passed by the IV Additional Sub Judge, Madurai, on 07.07.2010, in M.C.O.P.No.2105 of 2004.

For Appellant : No appearance

For R1 : Mr.S.T.Sasidharan Tamilkani

For R2 : Mr.N.Murugesan

JUDGMENT

When the matter is taken up for hearing, the learned counsel for the first respondent and the learned counsel for the second respondent are ready for arguments. There is no representation for the appellants.

2.This matter is pending from the year 2013 onwards, ie. for the past eight years. The matter was placed before me on 15.04.2021, 26.04.2021, 29.04.2021, 08.07.2021, 23.07.2021, the learned counsel for the appellants not ready for arguments on all those hearing dates.

3.On 08.07.2017, the learned counsel for the appellants filed a petition, to condone the delay in bringing on record the legal representatives of the deceased and to set aside the abatement caused due to the death of the appellant. All the petitions were allowed on condition that the appellants / petitioners should not



claim interest for the default period.

4.After impleading the legal representatives of the appellant, the case was adjourned to 23.07.2021 and again, the matter was posted on 06.08.2021 under the caption "for arguments or for orders". On 06.08.2021, the learned counsel for the appellants was not ready for arguments. Hence, the matter was adjourned today. Even today i.e., 13.08.2021, there is no representation for the learned counsel for the appellants.

5.The case is pending from the year 2013 and the matter was placed before me for the ninth time. The learned counsel for the appellants is not interested in taking up the case. The case is pending for the past eight years, there is no use in keeping the case pending any further. Hence, this Civil Miscellaneous Appeal is dismissed for default. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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.

To

1.The IV Additional Sub Judge, (Motor Accident claims Tribunal)
Madurai.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.MURUGESAN, Advocate (SR-26325[F] dated 16/08/2021)

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RD(24.08.2021) 2P 5C