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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A.No.3762 of 2012

A.Sudalaimani

... Petitioner

Vs.

1.I.Asirvatham

2. The New India Assurance Company Ltd.,
Divisional Office,
Trivandrum Road,
Palayamkottai - 627 002.

3. United India Insurance Co. Ltd.,
Divisional Office,
No.50/1, S.N.High Road,
Tirunelveli 627 001.

... Respondents

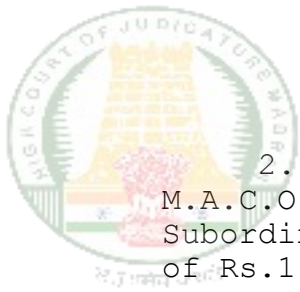
PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the fair order and decreetal order passed in M.A.C.T.O.P. No.498 of 1999 by the learned Motor Accident Claims Tribunal, I Additional Subordinate Judge, Tirunelveli on 22.12.2000 and to set aside the same.

For Appellant : No appearance

For Respondents : R1- Notice unserved
Mr.R.Sivakumar for R2
Mr.J.Chandran for R3

O R D E R

The above Civil Miscellaneous Appeal has been filed against the fair and decreetal order passed in M.A.C.T.O.P.No.498 of 1999 by the Motor Accident Claims Tribunal, I Additional Subordinate Judge, Tirunelveli on 22.12.2000.



2. The Appellant herein had filed a petition in M.A.C.O.P.No.498 of 1999 on the file of the I Additional Subordinate Judge, Tirunelveli claiming compensation for a sum of Rs.1,31,651.19.

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3. When the matter was taken up for hearing as early as on 03.01.2013, there was no representation for the Appellant and this Court directed the Registry to list this matter under the caption for 'Dismissal' on 04.01.2013. Again, when the matter was taken up for hearing on 04.01.2013, the Appellant appeared before this Court and sought for an adjournment. Subsequently, he sought for continuous adjournments on 11.01.2013 and 18.01.2013. Again, on 21.01.2013, the matter was ordered to be listed under the caption for 'Dismissal' on 22.01.2013. Thereafter, the matter was again adjourned on 29.01.2013, 25.02.2013 and 11.03.2013. Thereafter, notice was ordered on 15.03.2013 and the matter was directed to be posted on 22.08.2013 and subsequently, the matter was adjourned for two weeks. On 13.09.2013, fresh notice was ordered to the respondents.

4. After so many adjournments, when the matter was taken up for hearing on 11.06.2016, this Court directed to list this matter before the Regular Lok Adalat. Learned Judge, Lok Adalat had stated that Appellant/claimant and his counsel never appeared and there is no possibility of settlement, hence, he directed to post this matter before the regular Court.

5. When the matter was taken up for hearing before this Court on 17.02.2021, Mr.R.Sivakumar and Mr.Chandran, learned counsels undertakes to file vakalat on behalf of R2 and R3 and the matter was directed to be posted after two weeks. Even though the respondents counsel were present, the matter was continuously adjourned on 03.03.2021, 17.03.2013, 31.03.2021 and 10.02.2022 as there was no appearance for the appellant.

6. Finally, on 17.02.2021, this Court directed the Registry to print the name of the appellant in the place of learned counsel for the appellant in the cause list and directed to post the matter on 24.03.2022.

7. Today (24.03.2022), when the matter is taken up for hearing, neither the appellant appeared in person nor he had engaged any counsel to appear on his behalf. It can now be inferred that the Appellant is not interested to prosecute this Civil Miscellaneous Appeal. Accordingly, this Civil



Miscellaneous Appeal is dismissed for non-prosecution. No Costs.

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Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Motor Accident Claims Tribunal,
I Additional Subordinate Judge,
Tirunelveli.

+1cc to Mr.J.Chandran, Advocate, S.R.No.20148

+1cc to Mr.R.Sivakumar, Advocate, S.R.No.19815

C.M.A.No.3762 of 2012

MT (CO)
SU (22/04/2022)