



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CMA Nos. 2283 & 2284 of 2018

Durga Devi

... Appellant/Petitioner
in C.M.A.No. 2283 of 2018

Ganesh Murthy

... Appellant/Petitioner
in C.M.A.No. 2284 of 2018

Vs

1. M.Amsaveni
(Since 1st Respondent remained exparte
before the Tribunal her presence
may be dispensed with)

2. United India Insurance Co. Ltd.,
No. 134, Greams Road,
IV Floor, Anna Salai,
Chennai - 600 006.

... Respondents/Respondents in both C.M.As.

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the M.V. Act, 1988 against the Judgment and Decree dated 24.07.2018 made in M.A.C.T.O.P.Nos. 1778 & 1777 of 2017 on the file of the Motor Accident Claims Tribunal and IV Court of Small Causes, Chennai.

For Appellant in
both C.M.As. : Mr. F.Terry Chellaraja

For 1st Respondent in
both C.M.As. : Exparte

For 2nd Respondent in
both C.M.As. : Mr. S.Arunkumar



C O M M O N J U D G M E N T

Let me not enter into a discussion on the merits raised on the aspects canvassed by the learned counsel for the appellant.

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2. These appeals have been filed questioning the Judgment of the Tribunal / Motor Accident Claims Tribunal, Chennai / IV Court of Small Causes, Chennai in M.C.O.P.Nos. 1778 & 1777 of 2017 dated 24.07.2018. Both the awards by the Tribunal were exparte awards. However, not satisfied with the compensation granted, these Appeals have been filed.

3. In the meanwhile, the second respondent had filed an application to set aside the exparte awarded.

4. The learned counsel for the appellants have now filed a memo seeking that he would withdraw these Appeals with permission to go back to the Tribunal and contest the MCOPs and an order may be passed by the Tribunal on merits.

5. In view of the same, both these Appeals are dismissed as withdrawn in view of the fact that pending the Appeals, an exparte awards had been sought to be set aside by the respondent. I would direct the Registry to refund the Court fees if any in accordance with law to the appellants.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsg

To

The Motor Accident Claims Tribunal
The IV Court of Small Causes,
Chennai.

Copy to

The Section Officer,
VR Section,
Madras High Court, Chennai.

+1cc to Mr. S.Arunkumar, Advocate, S.R.No.16622

+2ccs to M/s.M.Malar, Advocate, S.R.No.16618,16619

CMA Nos. 2283 & 2284 of 2018

RSI[co]

NSK 24/03/2022