



C.M.A(MD)No.154 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.10.2022

CORAM

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

C.M.A(MD)No.154 of 2012

1.Samuthirakani

2.Sivagnanam

3.Servaikani

4.Minor.Thangamalai

5.Minor.Malathi

Appellants 4 and 5 are represented through
his Mother-Natural Guardian, the first appellants

6.Mariappan

... Appellants / Petitioners

Vs

1.Bala Shanmugm

2.M/s.United India Insurance Co. Ltd.,
No.77B, Salem Main Road,
Puthuchampalli,
Mettur Dam.

... Respondents / Respondents

PRAYER :-

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act to allow the appeal and modify the award passed in M.C.O.P.No.361 of 2005 dated 13.08.2008 on the file of the Motor Accident Claims Tribunal cum Principal Sub Court, Tenkasi, Tirunelveli District.



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For Appellant : No appearance
For R2 : Mr.J.S.Murali

JUDGMENT

This Civil Miscellaneous Appeal is filed in the year 2012. The original petition was filed in the year 2005. This matter was placed before this Court on 10.06.2022. The learned counsel for the appellant was not ready for arguments on that date and therefore the matter was adjourned to 17.06.2022. On verification of records, this Court has directed the appellant to clarify the maintainability of the appeal. Since the case against the first respondent was already dismissed by this Court, the matter was adjourned to 29.06.2022. There was no representation on the side of the appellant on that date also. Again the matter was adjourned to 04.07.2022. On 04.07.2022 also, the learned counsel for the appellant reported no instructions and filed a memo to that effect. Therefore, this Court ordered the Registry to print the name of the appellant and posted the matter on 11.07.2022. On 11.07.2022, the matter was adjourned to 21.09.2022 and there was no representation on the side of the appellant on that day also. Thereafter the matter was adjourned to 29.09.2022. Again there was no representation on the side of the appellant. Then the case adjourned to 10.10.2022. On 10.10.2022, there was no



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representation on the side of the appellant. The appellant was adjourned to 18.10.2022 under the caption 'for arguments or for orders'. Though the name of the appellant was printed in the cause list, there was no representation on the side of the appellant.

2.Considering the pendency of the appeal from the year 2012, there is no use in keeping this appeal pending any further. Hence, this this Civil Miscellaneous Appeal is dismissed for default.

18.10.2022

Index: Yes / No
Internet : Yes / No
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To

- 1.The Motor Accident Claims Tribunal cum Principal Sub Court, Tenkasi, Tirunelveli District.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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R. THARANI, J

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