



C.M.A.(MD)No.301 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23.06.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

C.M.A.(MD)No.301 of 2012

and

M.P.(MD)No.1 of 2012

United India Insurance Co. Ltd.,

Branch Office, No.130, M.T.R. Road,

Lucky Towers, I Floor,

Ambatur Industrial Estate,

Chennai – 50.

.. Appellant/2nd Respondent

Vs.

1.S.Venkatasubramaniam

... 1st respondent / petitioner

2.M/s.Hero Cycles Ltd.,

4, Rama Strett,

Periamedy, Chennai -3.

... 2nd respondent / 1st respondent

3.New India Assurance Co.Ltd.,

Divisional Office, Jerome Building,

Fort Station Road, Trichy-2.

... 3rd Respondent / 3rd respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor vehicles Act, 1988, against the judgment and decree, dated 29.03.2011, in M.C.O.P.No. 283 of 2005, on the file of the Motor Accidents Claims Tribunal – I Additional Subordinate Judge, Tiruchirappalli.



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For Appellant : Mr.G.Prabhu Rajadurai
For Respondent No.3 : Mr.A.K.Baskara Pandian
Respondent Nos. 1&2 : Dismissed vide order dated 29.1.19

JUDGMENT

This Appeal is filed against the award, dated 29.03.2011, in M.C.O.P.No.283 of 2005, on the file of the Motor Accidents Claims Tribunal – I Additional Subordinate Judge, Tiruchirappalli. The appellant herein is the second respondent, the first respondent herein is the claimant, the second respondent herein is the first respondent and the third respondent herein is the third respondent in the main M.C.O.P petition.

2. The learned counsel for the appellant and the learned counsel for the third respondent are present.

3. Records perused. A perusal of the records reveals that the case against the respondents 1 and 2 was already dismissed by this Court, in its order, dated 29.01.2019. Though the conditional order was passed on 29.01.2019, the appellant failed to pay batta for the respondents 1 and 2 in the appeal. The first respondent is the claimant, the second respondent is the



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owner of the vehicle and the appellant was ordered to pay compensation and to recover the same from the second respondent. When the appeal against the claimant and the owner of the vehicle was dismissed, there is no possibility of the appeal to be maintainable. On 13.06.2022, the case was posted “for clarification”, regarding this issue. Again, the matter was adjourned today (23.06.2022) under the same caption. From 29.01.2019, till 23.06.2022 (today), the appellant has not taken any steps to restore the case against the first respondent. When there is no appeal against the first respondent and the second respondents this appeal is not maintainable.

4. In view of the above circumstances, there is no use in keeping the matter pending any further. Hence, this Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

23.06.2022

Index : Yes/No

Internet : Yes/No

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.



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R. THARANI, J.

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To

- 1.The Motor Accidents Claims Tribunal –
I Additional Subordinate Judge,
Tiruchirappalli.
- 2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

Judgment made in
C.M.A.(MD)No.301 of 2012

23.06.2022