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C.M.A.No.2042 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

C.M.A.No.2042 of 2017

United India Insurance Co. Ltd.,
Kallkurichi.

...Appellant

VS.

1. Chinnthamani
2. Manickkam
3. V.Balan

...Respondents

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicle Act, to set aside the decree and judgment dated 11.03.2023 made in MACTOP No.136 of 1997 on the file of Motor Accident Claims Tribunal passed by Additional Tribunal Judge, Viruddhachalam and be pleased to dismiss the said claim petition.

For Appellant : Mr.M.J.Vijaya Raaghavan

For Respondents : R1 – No appearance

R2 – Died

J U D G M E N T

It is reported by the learned counsel appearing for the appellant/Insurance Company that the second respondent, who is one of the



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claimant before the Tribunal has died and Insurance company is not able to bring the legal heirs of the second respondent on record.

2. This appeal is filed challenging the award granting compensation to the claimants/respondents 1 and 2. In view of the fact that the 2nd respondent is died, the appellant is not able to bring the legal heirs of the second respondent (claimant No.2), and the award is also passed in favour of the two claimants, this appeal could not be proceeded against one claimant alone. Hence, this appeal is to be dismissed for not taking steps against the respondent.

Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs.

31.03.2023

Index:yes/no
Internet:yes/no
mp



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To

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The Motor Accident Claims Tribunal
Additional Tribunal Judge,
Viruddhachalam.



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K.RAJASEKAR.J.,

mp

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