



C.M.A.No.390 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

C.M.A.No.390 of 2019

P.Murugan

... Appellant /Petitioner

Vs.

1.A.Selvaraj

2. S.Ramalingam

(R1 & R2 was set exparte in the Trial Court.

Hence, notice to R1 & R2 dispensed with)

3.The National Insurance Co., Ltd.,

No.7, Raja Street, Gobichettipalayam 638 476

Erode District.

... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 07.12.2006 made in M.A.C.T.O.P.No.263 of 2005 on the file of the Motor Accidents Claims Tribunal, Principal Sub Judge, Erode.

For Appellant : Ms.V.Sudhana Vinodhini (No appearance)

For R1 & R2 : Exparte before Tribunal

For R3 : Mr.S.Vadivel



J U D G M E N T

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When the matter was taken up for hearing on 17.04.2023, there was no representation on behalf of the appellant and hence, the matter was directed to be posted under the caption 'for dismissal'. On the last hearing, it was represented by the counsel for R3/Insurance Company that the appeal against R1 and R2, who are the driver and owner has been dismissed by this Court, for not taking steps to serve notice on them. The learned counsel for the Insurance Company has also stated that before the Tribunal, the Insurance Company has been absolved from the liability hence in this appeal also, in the absence of R1 and R2, further proceedings is not maintainable.

2. Admittedly, the appeal against R1 and R2, who are the driver and owner of the vehicle has been dismissed for not taking steps to serve notice, the appeal against R3 is not maintainable. Even today also, there is no representation on behalf of the appellant. Therefore, this Civil Miscellaneous Appeal is dismissed for default. No costs.

11.07.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To

1.The Principal Sub Judge,
Motor Accidents Claims Tribunal,
Erode.

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



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K.RAJASEKAR,J.

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