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C.M.A.No.4556 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

C.M.A.No.4556 of 2019

and

C.M.P.No.25865 of 2019

The New India Assurance Co. Ltd.,
45/146, Moore Street, Chennai - 1 ... Appellant/2nd Respondent

Vs.

1.N.Ajith Kumar ... 1st Respondent/Petitioner
2.A.Zubair Ahmed ... 2nd Respondent/1st Respondent

3.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division II, Villupuram.
... 3rd Respondent/3rd Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree made in M.A.C.T.O.P.No.386 of 2004 on the file of the Motor Accidents Claims Tribunal (IV Judge, Court of Small Causes) at Chennai dated 24.11.2011.

For Appellant : Mr.M.Krishnamoorthy

For Respondent : Not Ready in Notice [R1]
Given up [R2 & R3]



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JUDGEMENT

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Challenging the award passed by the Motor Accidents Claims Tribunal (IV Judge, Court of Small Causes) at Chennai in M.A.C.T.O.P.No.386 of 2004 dated 24.11.2011, the appellant has filed the present appeal.

2. The respondent/claimant filed a claim petition claiming a sum of Rs.30,00,000/- before the Tribunal in M.A.C.T.O.P.No.386 of 2004 for the injuries sustained by him in a road accident occurred on 06.05.2003 and after adjudication, the Tribunal had awarded a sum of Rs.21,38,600/- under various heads by fixing 50% liability as against the appellant/insurer. Aggrieved by the same, the present appeal is filed.

3. When the matter is taken up for hearing today, the learned counsel appearing for the appellant/insurer submitted that, the respondent had already filed an appeal seeking enhancement of compensation before this Court in C.M.A.No.2050 of 2012 and by order dated 21.01.2020, this Court had confirmed the award passed by the Tribunal.



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4. In view of the above submissions, this Court is of the view that nothing survives for adjudication in this appeal. Accordingly, the Civil Miscellaneous Appeal is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

23.11.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

1.The Motor Accidents Claims Tribunal,
(IV Judge, Court of Small Causes) at Chennai.

2.The Section Officer,
V.R.Section,
High Court, Madras.



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M.DHANDAPANI, J.

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