



C.M.A(MD)No.640 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.01.2023

CORAM

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

C.M.A(MD)No.640 of 2011

M/s.National Insurance Co.Ltd.,
Through its Divisional Manager,
Periera Street,
Tuticorin.

... Appellant/ petitioner

Vs

1.K.Hassan bai(died)

2.S.S.V.Baskar

3.Nagoor Ammal

4.Asan Beevi

5.Husain

6.Zeenath

7.Samsunisha

8.Hach Beevi

9.Samsukani

*(Respondents 3 to 9 are brought on record
as legal representatives of the first respondents
vide Court order dated 22.11.2022)*

... Respondents

PRAYER :-

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the judgment and decree dated



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27.09.2010 passed in M.C.O.P.No.47 of 2008 on the file of the Motor Accidents Claims Tribunal / Principal District Judge, Tuticorin.

For Appellant : Mr.P.Malini

For R3 to R9 : Mr.I.Robert Chandrakumar

JUDGMENT

This Civil Miscellaneous Appeal is pending from the year 2013. The second respondent is the owner of the vehicle. The appeal is questioning the liability. Hence the presence of the second respondent is necessary. Eventhough the appeal against the owner of the vehicle was already dismissed for default in the year 2013, no steps has been taken so far. Hence, nothing survives for further adjudication in this appeal.

2.Accordingly, this Civil Miscellaneous Appeal is dismissed for default. No costs.

12.01.2023

Index: Yes / No

Internet : Yes / No

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To

- 1.The Motor Accidents Claims Tribunal / Principal District Judge, Tuticorin.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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