



C.M.A.No.1199 of 2018

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M.DHANDAPANI, J.

Today, this matter is listed under the caption “For Being Mentioned” at the instance of the Registry.

2. The learned counsel for the appellant submits that though the learned counsel for the appellant made an endorsement in the judgment passed by this Court dated 17.12.2024 that pursuant to the order passed by the Tribunal, the appeal may be dismissed as not pressed, however, this Court without recording the said submission has dismissed the said appeal as withdrawn instead of dismissed as not pressed. Hence, the same may be modified.

3. This Court perused the judgment dated 17.12.2024, particularly and also the above submissions, and this Court is satisfied that, the endorsement has not been incorporated in the above said judgment passed by this Court.

4. In view of the above, Paragraph Nos. 1 and 2 of the judgment dated 17.12.2024 is recalled and shall stand replaced with the following paragraph:

“ When the matter was taken up for hearing, learned counsel for the appellant sought permission of this Court to withdraw the appeal. He further made an endorsement that pursuant to the order passed by the Tribunal, the appeal may be dismissed as not



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pressed.

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M.DHANDAPANI, J.

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2. In view of the submission and endorsement made by the learned counsel appearing for the appellant, this civil miscellaneous appeal is dismissed as not pressed. The appellant is entitled for refund of the Court fee, if Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Tamil Nadu Stamp Act, 2013 permits. No costs.

5. All the other observations made in the earlier order dated 17.12.2024 shall remain intact.

6. Registry is directed to carry out the necessary correction as aforesaid in the order dated 17.12.2024 and issue fresh copy of the order to the learned counsel for the parties.

27.02.2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM :

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

C.M.A.No.1199 of 2018

1. P.Mahalashmi
2. P.Parthasarathy ... Appellants

Vs.

1. E.Saravanakumar
(Since R1 remained exparte before the Tribunal his presence may be dispensed with)
2. The United India Insurance Company Ltd.,
48, Arcot Road,
Saligramam,
Chennai – 600 093. ... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to call for the records to enhance the award against the judgment and decree dated 20.03.2017 and made in M.A.C.T.O.P.No.187 of 2016 on the file of the Motor Accident Claims Tribunal III Additional District Court, Poonamallee.

For Appellants : M/s.N.Lavanya for
M/s.M.Malar

For Respondents : Exparte for R1
Mr.C.Paranthaman for R2



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JUDGMENT

When the matter was taken up for hearing, learned counsel appearing for the appellant sought permission of this Court to withdraw the appeal. An Endorsement to the said effect is also made by the learned counsel for the appellant in the appeal today.

2. Recording the submission of the learned counsel appearing for the appellant, this civil miscellaneous appeal is dismissed as withdrawn. The appellant is entitled for refund of the Court fees, if Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and the Tamil Nadu Stamp Act, 2013 permits. No costs.

17.12.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

1. Motor Accident Claims Tribunal III Additional District Court,
<https://www.mhc.tn.gov.in/judis>



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Poonamallee.

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

M.DHANDAPANI, J.

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17.12.2024