

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.TUKARAMJI

IA.Nos.1, 2 and 3 of 2023
IN/AND
M.A.C.M.A.No: 2973 OF 2007

Appeal filed under Section 171 of Motor Vehicles Act against the Judgment dated 18-05-2007 passed in O.P.No.2082 of 2004 on the file of the Court of the XV Additional Chief Judge-cum-I Additional Metropolitan Sessions Judge, Hyderabad.

Between:

Baddam Chalma Reddy @ Chalmi Reddy, S/o.Sri Ram Reddy, Hindu, aged 27 years, Occ: Operator in UMA Swastik Plast [P] Ltd R/o.H.No.4-39, Subhashnagar Colony, Kammaguda Village, Hayathnagar Mandal, Ranga Reddy District, presently residing at H.No.16-2-740/7, Musarambagh, Hyderabad.

...Appellant/Petitioner

AND

1. K.Laxmi Rajam, S/o.K.Devaiah, Aged Major, Occ: Owner of Car Bearing No.AP 28J 7723 R/o.H.No.93 LIGH, Santhoshnagar, Hyderabad - 36.
2. M/s National Insurance Company Limited, rep. by its Branch Manager O/o.D.No.12/13/16/13, Vamshi Complex, Tarnaka, Secunderabad.
R2 dismissed for default vide Court Order dated 11-7-2016.

...Respondents/Respondents

IA NO: 1 OF 2023

Petition under Section 5 of Limitation Act praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 1638 days in filing the petition to set aside the order of dismissal dated.11-07-2016.

IA NO: 2 OF 2023

Petition under Order 9 Rule 9 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set aside the order of dismissal dt.11/07/2016 against the 2nd respondent in M.A.C.M.A.SR. No.29322/2011.

IA NO: 3 OF 2023

Petition under Order 5 Rule 20 R/w Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner/appellant to serve notice on the 2nd respondent.

Counsel for the Appellant: Ms. G. Sindhu (Not Present)

Counsel for the Respondent No.1: Ms. K. Uma Devi

Counsel for the Respondent No.2: None Appeared

The Court delivered the following: COMMON JUDGMENT

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

IA Nos.1, 2 and 3 of 2023

IN/AND

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL

No.2973 OF 2007

COMMON JUDGMENT:

1. This Motor Accident Civil Miscellaneous Appeal has been preferred by the appellant/claim petitioner challenging the decree and award dated 18.05.2007 in O.P No.2082 of 2004 passed by the Chairman, Motor Accident Claims Tribunal -cum- I Additional Metropolitan Sessions Judge -cum- XV Additional Chief Judge, Hyderabad.
2. I.A.No.1 of 2023 is filed by the petitioner/appellant seeking to condone the delay of 1638 days in filing the petition to set-aside the order of dismissal dated 11.07.2016 against the respondent No.2/Insurer.
3. I.A.No.2 of 2023 is filed by the petitioner/appellant seeking to set-aside the order of dismissal dated 11.07.2016 against the respondent No.2/insurer.
4. I.A.No.3 of 2023 is filed by the petitioner/appellant seeking to serve notice on the respondent No.2/insurer.
5. No representation for the petitioner/appellant.

6. These Interlocutory Applications were filed with a delay of 1638 days to set-aside the order of dismissal dated 11.07.2016 against the respondent No.2/Insurer. In spite of listing the matter under the caption 'for dismissal', none has appeared for the petitioner/appellant.

7. Ms.K.Uma Devi, learned counsel for the respondent No.1 is present.

8. Having regard to the fact that the petitioner/appellant is not evincing interest in prosecuting these petitions and also the appeal, this Court is left with no other option but to dismiss the petitions and the Appeal for want of prosecution. Accordingly, I.A.Nos.1, 2 and 3 of 2023 and the appeal are dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XV Additional Chief Judge-cum-I Additional Metropolitan Sessions Judge, Hyderabad. (with records, if any)
2. One CC to Ms. G. Sindhu, Advocate [OPUC]
3. One CC to Ms. K. Uma Devi, Advocate [OPUC]
4. Two CD Copies

Kam/PSI.

kp8

HIGH COURT

DATED:31/12/2024

COMMON JUDGMENT
IA.Nos.1, 2 and 3 of 2023
IN/AND
MACMA.No.2973 of 2007



DISMISSING THE I.As
AND THE MACMA

⑥ *kps*
6/10/25