IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

LA.App..No. 766 of 2012 ()

LAR 109/1999 of II ADDL.SUB COURT, THIRUVANANTHAPURAM DATED 13-06-2011

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APPELLANT(S)/CLAIMANTS:
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1. HELEN FERNANDEZ
PUTHUVAL BUNGLOW (DIED), KAMUKARA MURI, THUMBA, MENAMKULAM, KAZHAKUTTAM, THIRUVANANTHAPURAM-695582

2. JOHN FERNANDEZ,
PUTHUVAL BUNGLOW, KAMUKARA MURI, THUMBA MENAMKULAM, KAZHAKUTTAM, THIRUVANANTHAPURAM-695582.

3. HENRY FERNANDEZ
PUTHUVAL BUNGLOW, KAMUKARA MURI, THUMBA MENAMKULAM, KAZHAKUTTAM, THIRUVANANTHAPURAM-695582.

4. HERITTA FERNANDEZ
PUTHUVAL BUNGLOW, KAMUKARA MURI, THUMBA MENAMKULAM, KAZHAKUTTAM, THIRUVANANTHAPURAM-695582.

5. ANTONY FERNANDEZ
PUTHUVAL BUNGLOW, KAMUKARA MURI, THUMBA MENAMKULAM, KAZHAKUTTAM THIRUVANANTHAPURAM-695582.

[CLAIMANTS 2 TO 5 ARE REPRESENTED BY POWER OF ATTORNEY HOLDER SEBASTIAN SIVAN PILLAI, PUTHUVAL BUNGLOW, THIRUVANANTHAPURAM]

BY ADV. SRI.M.R.SASITH PANICKER

RESPONDENT(S)/RESPONDENTS:
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1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

2. KERALA INDUSTRIAL INFRASTRUCTURAL DEVELOPMENT CORPORATION (KINFRA), REPRESENTED BY ITS MANAGING DIRECTOR.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.R. RAMACHANDRA MENON & K. HARILAL, JJ.

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L.A.A.No.766 of 2012

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Dated this the 20th day of October, 2015.

JUDGMENT

Ramachandra Menon, J.

This appeal has been filed challenging the judgment and decree dated 13.06.2011 passed by the II Additional Sub Court, Thiruvananthapuram in LAR No.109/1999. As there is a delay of 177 days in filing the appeal, the same was sought to be condoned by filing C.M.Appln. No.1060/2012. Notice was ordered in the said application on 06.12.2012. But, no process charges were remitted. The matter was posted before the Registrar (Judicial) noting defect. There was no representation for the appellants. Hence it was listed before the court. Five days' time was granted to remit process charges as per order dated 21.10.2014. Still it was not remitted. Endorsement was made in this regard on 12.10.2015 and hence the matter is listed before this Court for further consideration. We do

not find any reason to grant further time. We find that there is callous inaction on the part of the appellants in curing the defect. It appears that the appellants have no genuine interest in the cause of action. This appeal stands dismissed for non-prosecution.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Sd/-
K. HARILAL, JUDGE

okb.