

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

FAO.No. 189 of 2015 ()

AGAINST THE ORDERS IN I.A.Nos.5973/2012 & 5970/2012 in LAR No.86/2006
of 3rd ADDL.SUB COURT, ERNAKULAM DATED 28-02-2015

APPELLANT/PETITIONER/CLAIMANT:-:

ARAVINDAKSHAN, AGED 62 YEARS
S/O.VELAYUDHAN, MADAYILPARAMBIL,
THIRUVANKULAM POST
ERNAKULAM DISTRICT.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT(S)/RESPONDENTS/STATE & REQUISITIONING AUTHORITY:-:

1. STATE OF KERALA
REPRESENTED BY SPECIAL TAHSILDAR (LA), RAILWAYS
ERNAKULAM - 682 016.

2. DEPUTY CHIEF ENGINEER
RAILWAYS, ERNAKULAM, PIN - 682 016.

R BY SRI.C.S.DIAS,SC, RAILWAYS
R BY SENIOR GOVERNMENT PLEADER SRI M.A.FAYAZ

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD
ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC & P.V ASHA, JJ.

F.A.O No.189 of 2015

Dated this the 15th day of September, 2015

JUDGMENT

Antony Dominic, J.

Heard the learned counsel for the appellant, the learned Government Pleader appearing for the 1st respondent and the learned Standing Counsel appearing for the 2nd respondent. This F.A.O is filed against the order passed by the IIIrd Additional Sub Court, Ernakulam in I.A.Nos.5973 of 2012 and 5970 of 2012 in L.A.R No.86 of 2006. By these orders, the court below declined to condone the delay and to restore the L.A.R to file setting aside the order and dismissing the same for default.

2. When the matter was taken up, we have been informed that against similar order passed by the court below, to which the respondents herein were also parties, F.A.O No.164 of 2015 and connected appeals were filed and that this Court by judgment dated 6.8.2015 set aside the impugned orders and disposed of the appeals restoring the L.A.Rs to file for fresh determination, subject to the condition that the appellant shall pay cost of Rs.2,000/- each within one month to the

requisitioning authority.

3. Since the issues raised in this appeal are similar in all respects to those considered in the judgment mentioned above, we allow this appeal also. Accordingly, the orders in I.A Nos. 5973 of 2012 and 5970 of 2012 in L.A.R No.86 of 2006 passed by the IIIrd Additional Sub Court, Ernakulam are set aside. L.A.R No.86 of 2006 will stand restored to the files of the court below for fresh determination, in accordance with law. This shall be on condition that the appellant will pay cost of Rs.2,000/- (Rupees Two thousand only) to the requisitioning authority, which shall be paid within one month from today and memo to that effect shall be filed before this Court.

Sd/-

ANTONY DOMINIC
Judge

Sd/-

P.VASHA
Judge

rtr/

/true copy/

P.S to Judge