

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

MACA.No. 1724 of 2004 ()

AGAINST THE AWARD IN OPMV 748/1996 of ADL.D.C. & MACT, THODUPUZHA DATED
31-03-1997

APPELLANT(S)/APPELLANTS/PETITIONERS::

1. RAJALEKSHMI
R/A. NO.19F, KAVALAKKARA, B.K.PALLE
MADANAPPALLE TALUK, CHITTOOR DISTRICT, ANDHRA PRADESH.

2. SANTHA. 27 YEARS, W/O.RAMAMOORTHY,
AND D/O.LATE KRISHNA MOORTHY, R/A. NO.19F, KAVALAKKARA
B.K.PALLE, MADANAPPALLE TALUK, CHITTOOR DISTRICT
ANDHRA PRADESH.

3. SELVI.K.MALATHI, D/O.LATE A.S.KRISHNA
MOORTHY, R/A. NO.19F, KAVALAKKARA B.K.PALLE
MANDAPPALLE TALUM, CHITTOOR DISTRICT, ANDHRA PRADESH.

BY ADV. SRI.JOICE GEORGE

RESPONDENT(S)/RSPONDENTS::

1. J.RAJAGOPAL
2/168, LECHANA STREET, B.K.PALLE
MADANAPALLE TALUK. CHITTOOR DISTRICT
ANDHRA PRADESH.

2. G.KRISHNAN, NO.80, MADURAI ROAD,
TIRUCHIRAPPALLY -30, TAMIL NADU.

3. THE UNITED INDIA INSURANCE COMPANY LTD.,
CHITTOOR P.O. ANDHRA PRADESH.

R3 BY ADV. SRI.MATHEWS JACOB (SR.)

R3 BY ADV. SRI.P.JACOB MATHEW

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON
&
BABU MATHEW P. JOSEPH, JJ.**

.....
**C.M. APPLICATION No. 2568 OF 2004
AND
M.A.C.A.No.1724 OF 2004**
.....

Dated this the 13th July, 2015

J U D G M E N T

P.R. Ramachandra Menon, J:

The award passed by the Tribunal in OP(MV)No.249 of 1983 has been sought to be challenged by the appellants herein, who were the claimants before the Tribunal, stating that the compensation awarded by the Tribunal is abysmally low and hence requires to be enhanced.

2. Obviously, the appeal has been filed nearly '**7½ years**' after passing the award, which is a common award dated 31.03.1997 passed in O.P.(MV)No.739 of 1996 and other connected cases. When the petition to condone the delay(C.M. Application 2568 of 2004) came up for consideration before this Court, notice was ordered as early as on 14.01.2005. Service is not complete even as on this date. Going by the contents of the

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affidavit filed in support of the application to condone the delay, we are not satisfied with the reason and accordingly, the application to condone the delay stands dismissed. As a natural consequence, the appeal as well.

**P.R. RAMACHANDRA MENON,
JUDGE.**

**BABU MATHEW P. JOSEPH,
JUDGE.**

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