

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

FRIDAY, THE 5TH DAY OF OCTOBER 2012/13TH ASWINA 1934

LA.App..No. 448 of 2007 (B)

-----  
[LAR.NO.74/1997 OF SUB COURT, KOZHIKODE DTD. 30/10/06]  
-----

APPELLANT/B-CLAIMANT:

-----  
M.KRISHNAN MOOSAD, MANAZHI ILLAM,  
P.O.KADALUNDI.

BY ADV. SRI.M.G.ASHOKAN.

RESPONDENTS/CLAIMANTS A AND C TO H AND RESPONDENT:

- 
1. KUNNATH VASUDEVAN NAMBIAR,  
P.O.KADALUNDI.
  2. PADYAT BHAGAVATHI DEVASWOM KEEZHIL  
K.UNNEERI NAMBIAR, KADALUNDI (R.H).
  3. DISTRICT COLLECTOR, KOZHIKODE.
  4. P.DAMODARAN NAIR, SENIOR MEMBER  
IN CHARGE PANAYAMMADATHIL NAIR, FAMILY PANAYAM  
MADATHIL (H), MANNUR, KADALUNDI. KOZHIKODE.
  5. SAMI @ APPUTTY, MOOTHAPERUVANNAN,  
MANNUR AMSOM, KADALUNDI DESOM, KOZHIKODE.
  6. AMBADI SEKHARAN, AMBALI (H),  
MANNUR, KADALUNDI, KOZHIKODE.
  7. MARATHAYIL VARINJAKSHAN NAIR,  
MARATHAYI (H), KADALUNDI, KOZHIKODE.
  8. THE SPECIAL TAHSILDAR (LA),  
KOZHIKODE.

R1 BY ADV. SRI.THOMAS ANTONY,  
R3 & R8 BY GOVT. PLEADER SRI. K.J. JOSE.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY  
HEARD ON 05-10-2012, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

Prv.

**P.N.RAVINDRAN, J.**

-----  
**L.A.A. No.448 OF 2007**  
-----

**Dated this the 5<sup>th</sup> day of October, 2012**

**J U D G M E N T**

The Registry has reported that notice issued to respondents 2 and 6 in the memorandum of appeal, who are claimants "C" and "G" respectively in the court below (L.A.R. No.74 of 1997) have been returned with the endorsements "expired" and "not known" respectively. The Registry has also reported that though this Court had by order passed on 17.11.2009 directed fresh steps to be taken, till date, fresh steps have not been taken by the appellant to serve notice on the 6<sup>th</sup> respondent.

2. The impugned judgment discloses that the claimant "C" who is the second respondent herein passed away even while L.A.R.No.74 of 1997 was pending in the Court of the Subordinate Judge of Kozhikode. When the appeal was called on for hearing today, the learned counsel appearing for the appellant was not present. There was also no representation on his behalf. In such circumstances, the appeal is dismissed for default.

**P.N.RAVINDRAN,  
(JUDGE)**

vps



