

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

MACA.No. 320 of 2005 ()

AGAINST THE AWARD IN OPMV 273/1994 of ADDL. MACT, MAVELIKARA
DATED 04-02-2004

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APPELLANT/PETITIONER:

CHANDRAN, NADAKKAL PUTHUVEL,
CHOOOLATHERUVU, MUTHUKULAM.

BY ADVS.SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL)
SMT.SREELEKHA PUTHALATH
SRI.A.R.DILEEP

RESPONDENT (S) /RESPONDENTS:

1. JOHNSON, S/O.P.M.GEORGE,
PADIPPURAKKAL, NETTUR, KULANADA, PANDALAM.

2. ANEEFAKUNJU, S/O.MUSTHAFKUNJU,
THENGUVILAYIL VEEDU, MYNAGAPPALLY, KARUNAGAPALLY.

3. THE MANAGER, UNITED INDIA INSURANCE
COMPANY LIMITED, OPPOOTTIL BUILDINGS, K.K.ROAD,
KOTTAYAM.

R1 BY ADV. SRI.BABU CHERUKARA
R3 BY ADV. SRI.N.S.MOHAMMED USMAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

okb

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

M.A.C.A.No.320 of 2005

Dated this the 25th day of September, 2015.

JUDGMENT

Ramachandra Menon, J.

Since notice to the 2nd respondent was returned stating 'not known', the service was not completed in appeal. The matter was noted as defective. Based on the submissions made by the learned counsel for the appellant, two weeks' time was granted as per order dated 1.4.2013, subject to satisfaction of cost of Rs.1,000/- payable to the Kerala State Mediation and Conciliation Centre and to produce proof of payment, making it clear that in case of default, the appeal would stand dismissed for non-prosecution. The matter is noted as defective again, by the Registry as per endorsement dated 23.9.2015, observing that the cost memo has not been produced and steps have not been taken to cure the defect.

2. In the said circumstance, this Court finds that

the fate is already declared as per the order dated 1.4.2013, which is a self-serving order, holding that the failure would entail in dismissal of the appeal for non-prosecution. The appeal stands dismissed accordingly.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Sd/-

K. HARILAL, JUDGE

okb.