

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. 394 of 2005

(AGAINST THE AWARD IN OPMV 904/1999 of M.A.C.T., KOTTAYAM DATED
22-09-2003)

APPELLANT(S)/APPELLANT/CLAIM PETITIONER::

SALIM P.T., S/O. THANKAPPAN,
PARAYIL HOUSE, PANACHIKKADU, KOTTAYAM.

BY ADV. SRI.P.RAVINDRA BABU

RESPONDENTS/RESPONDENTS:

1. N. RAJAMMAL, (OWNER) W/O. NACHIMUTHU,
131, CHERAN NAGAR, KOTTOOR ROAD
POLLACHI.

2. K. SURESH S/O. KANNAN NAIR, 31,
ALAGAPPA LAYOUT, SULEESWARA PATTI, POLLACHI.

3. THE UNITED INDIA ASSURANCE COMPANY LTD.,
POLLACHI, TAMIL NADU.

R3 BY ADV. SRI.P.JAYASANKAR

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. 516 OF 2005
&
MACA No.394 OF 2005**
.....

Dated this the 13th July, 2015

J U D G M E N T

P.R. Ramachandra Menon, J:

Enhancement of compensation awarded by the Tribunal in O.P(MV) No.904 of 1999 is the subject matter involved in this appeal. In fact, the appeal was preferred in the year 2005 with a petition to condone the delay of 122 days. Notice was ordered in the application to condone the delay way back on 14.03.2005. But no steps have been taken on time . When the matter came up for consideration before another Bench of this Court on 08.10.2013, one week's time was granted to cure the defect, on condition that the appellant paid a sum of Rs.500/- as cost to the Kerala State Mediation and Conciliation Centre within one week and produced proof thereof, failing which the appeal would stand dismissed for non prosecution. It is seen from the

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endorsement made by the Registry that the appellant has not taken any steps to cure the defect in compliance with the order dated 08.10.2013. There is no representation for the appellant/claimant as well. It appears that the appellant has lost interest in the cause of action projected in this appeal. The delay petition and appeal are dismissed for non prosecution.

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

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

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