

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE PIUS C.KURIAKOSE
&
THE HON'BLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 7TH DAY OF JUNE 2012/17TH JYAISHTA 1934

MACA.No. 693 of 2005 (B)

OPMV.694/1995 of D.C. & SESIONS & MACT, KALPETTA

APPELLANT/1ST RESPONDENT/PETITIONER :

N.T. BABU, S/O. THOMAS,
AGED 42 YEARS, NIRANNANILATHU HOUSE,
THOVARIMALA P.O., NENMENI AMSOM DESOM,
S. BATHERY TALUK, WAYANAD DISTRICT.

BY ADV. SRI.S.M.PRASANTH

RESPONDENT(S)/REVIEW PETITIONER & 2ND RESPONDENT/RESPONDENTS :

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1. VISWAMBARAN, S/O. RAMAN,
AGED 35 YEARS, POOKKATHU COTTAGE, MADAKKARA,
NENMENI P.O., S. BATHERY, WAYANAD DISTRICT.
 2. THE NEW INDIA ASSURANCE CO. LTD.,
KALPETTA NORTH.

BY ADV. SRI.N.S.MOHAMMED USMAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 07-06-2012, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

AMV

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

.....
**C.M. APPLICATION No.970 OF 2005
&
M.A.C.A. No.693 OF 2005**
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Dated this the 13th July, 2015

J U D G M E N T

P.R. Ramachandra Menon, J:

The grievance of the appellant is mainly with regard to the quantum of compensation worked out by the Tribunal, which according to the appellant is abysmally low and hence the challenge on different counts. In fact the appeal was belated and C.M. Application was filed with a prayer to condone the delay of 82 days . Notice was ordered in the said application on 30.05.2005. It is seen that the first respondent is still to be served. When the case was taken up for consideration on 06.06.2012 there was no representation from the part of the appellant. The matter was adjourned to next day and since there was nobody to represent the appellant the case was dismissed for default on 07.06.2012. Subsequently, the appellant

**C.M. APPLICATION No.970 OF 2005 &
M.A.C.A. No.693 OF 2005**

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filed I.A.No.1803 of 2012 seeking to restore the appeal, which was allowed as per the order dated 30.07.2012. When the matter is taken up today, the position continues to be the same and service of notice to first respondent is still to be completed. There is no representation for the appellant as well.

The C.M. Application and appeal are dismissed for non prosecution.

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

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

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