

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. 893 of 2006 ()

(AGAINST THE AWARD IN OPMV 711/2001 of M.A.C.T., MANJERI DATED
18.10.2015)

APPELLANT(S)/APPELLANT/PETITIONER:

IQUBAL @ MOHAMMED IQBAL,
S/O.UNNIYALI, KARUTHEDATH HOUSE, CHATHANGOTTUPURAM.P.O
VIA.WANDOOR, MALAPPURAM DISTRICT.

BY ADVS.SRI.M.P.SREEKRISHNAN
SMT.SHAHNA KARTHIKEYAN

RESPONDENT/RESPONDENT:

1. P.K.KUNHIKOYA, S/O.KUNHIMOHAMMED,
C/O.C.MOHAMMED, CHAPPAITH HOUSE, KARASSERY.P.O
MUKKOM.

2. C.MOHAMMED, S/O.MAYINKUTTY,
CHAPPAITH HOUSE, KARASSERY.P.O, MUKKOM.

3. M/S.UNITED INDIA INSURANCE CO.LTD.,
DIVISIONAL OFFICE, ARAFA BUILDING, MANJERI.

R3 BY ADV. SRI.P.V.JYOTHI PRASAD

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.**

.....
MACA No.893 OF 2006
.....

Dated this the 13th July, 2015

J U D G M E N T

P.R. Ramachandra Menon, J:

The claim preferred by the appellant by way of O.P.(MV) No.711 of 2001 was sought to be resisted by the Insurance Company stating that the claimant was travelling on the platform of the goods vehicle and hence there was no coverage under the policy. However, after considering the materials on record, the Tribunal awarded a sum of Rs.2,13,843/- with interest as specified, which is sought to be enhanced by filing this appeal preferred by the claimant.

2. Notice was ordered on 20.06.2006. Service is not complete. No proper steps were taken on time. When the matter came up for consideration on 12.02.2013, two weeks' time was granted, on condition that the appellant paid a cost of Rs.500/- to the Kerala State Mediation and Conciliation Centre and also directed to produce proof thereof, failing which the

appeal would stand dismissed for non-prosecution. The defect continues and hence the matter stands listed before this Court today. No steps have been taken to cure the defect and there is no representation for the appellant as well. It appears that the petitioner has lost interest in the cause of action projected in the appeal. The appeal is dismissed for non-prosecution.

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

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