

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

MACA.No. 1139 of 2005 ()

AGAINST THE AWARD IN OPMV 1426/1994 of ADDL.D.C.& MACT, PATHANAMTHITTA
DATED 25-02-2004

APPELLANT(S)/APPELLANTS/PETITIONERS:

1. DAMODARAN, S/O.D.NARAYANAN,
VETTITHURUTHIYIL, KUTAMPEROOR, MANNAR.
2. ROHINI, W/O.DAMODARAN, DO. DO.
3. SUJATHA.R. D/O.DAMODARAN, DO. DO.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT(S)/RESPONDENTS.:

1. ITTICHERIYA ABRAHAM, ELANJICKAL,
MANAPPURATHU, VEYAPURAM, HARIPPAD.
2. SABU VARGHESE, S/O.VARGHESE,
CHUZUKKUNNIL VEEDU, PUTHUSSERI, KALLOOPPARA.
3. MANAGER, NATIONAL INSURANCE COMPANY
THIRUVALLA.
4. BIJU ALEX, MATTACKAL HOUSE,
KADAPRA, MANNAR.
5. K.SUGATHAN, KRISHNA MANDIRAM,
ULIYANADU, CHATHANNUR, KOLLAM.
6. MANAGER, NEW INDIA ASSURANCE
CO.LTD., PATHANAMTHITTA.

R,R3 BY ADV. SRI.P.GOPALAKRISHNA WARRIYAR
R,R3 BY ADV. SMT.DEEPA GEORGE
R,R4 BY ADV. SRI.N.ASHOK KUMAR
R,R6 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

&

K. HARILAL, JJ.

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M.A.C.A. No. 1139 of 2005

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Dated, this the 22nd day of September, 2015

JUDGMENT

Ramachandra Menon, J.

This appeal arises from the Award dated 25.02.2004 passed in OP (MV) No. 1426 of 1994 by the MACT, Pathanamthitta. The appeal was admitted, ordering notice on 21.07.2005. Despite pendency of the matter for nearly 10 years, service is not completed. When the matter was listed before the Registry on 24.11.2011, two weeks' time was granted to take steps to complete the service. On 13.11.2013, further period of one week was granted, subject to satisfaction of Rs.500/- as cost to the Kerala State Mediation and Conciliation Centre and directed to produce proof of payment within one week, failing which, it was stipulated that the appeal would stand dismissed for non-prosecution. The matter is listed again, as defective.

2. It is stated that service is still to be completed in respect of the 5th respondent. No compliance is reported with regard to the order passed by this Court on 13.11.2013 as to the satisfaction of Rs.500/-. It appears that the appellant has lost interest in the cause of action projected in this appeal. The appeal is dismissed for non

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prosecution, more so when the order passed by this Court on 13.11.203 is a self-contained one.

sd/-

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

sd/-

**K. HARILAL,
JUDGE**

kmd

/True copy/

P.A. to Judge