

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

MACA.No. 2428 of 2010 ()

**(AGAINST THE AWARD IN OP(MV).NO. 1024/2004 OF MOTOR ACCIDENT CLAIMS
TRIBUNAL, KOLLAM DATED 30/3/2010)**

APPELLANT(S)/RESPONDENTS 1 & 2:

1. JAMES THOMAS,
PUTHIYAVEEDU, MALAMELKARA, ADOOR P.O.,
KOLLAM.
2. GEORGE VARGHESE, S/O. GEORGE,
THEKKEBHAGATHU VEETIL, KUREEPUZHA,
SAKTHIKULANGARA, KOLLAM.

BY ADV. SRI.M.TRIPTEN

RESPONDENT(S)/PETITIONER & RESPONDENTS 3,4 & 5:

1. RAJAN, AGED 52 YEARS, S/O. VASUDEVAN,
MALIYIL VEEDU, KOTHAPURAM, KARALI P.O.,
WEST KALLADA, KOLLAM-690 543
2. THE MANAGER,
NEW INDIA ASSURANCE CO. LTD., K.S.F.E. BUILDING,
CHINNAKKADA, KOLLAM-690 501
3. ABDUL SALAM,
SALAM MANZIL, THODIYOOR, THAZHAVA,
KARUNAGAPPALLY-690 523
4. K.VASANTHA RAJAN, S/O. KUMARAN,
ARATHU AZHIKATHU, THEKKEVILA P.O., ERAVIPURAM,
KOLLAM.PIN-691 016

**R1 BY ADVS. SRI.C.RAJENDRAN
SMT.R.S.SREEVIDYA**

**R2 BY ADVS.SRI.K.K.M.SHERIFF
SRI. LAL K. JOSEPH
SRI.A.A.ZIYAD RAHMAN**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

P.B.SURESH KUMAR, J.

M.A.C.A.No.2428 of 2010

Dated this the 3rd day of July, 2015

JUDGMENT

The service on respondents 3 and 4 is not complete in C.M.Appln.No.3141 of 2010 and also in I.A No.1364 of 2014. As per order dated 14.1.2015, this Court granted one month's time to the appellants to cure the defects noted in the appeal. Since the defects were not cured despite the said order, this Court had again granted three months' time to cure the defects on 2.3.2015. Since the defects were not cured even after the expiry of the said period, a further period of two weeks was granted to the appellants to cure the defects as per order dated 18.6.2015. Despite the various orders referred to above, the defects noted in the appeal are not seen cured till date.

In the circumstance, the appeal is dismissed for default.

P.B.SURESH KUMAR, JUDGE.

smm