

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

RP.No. 807 of 2015 () IN WP(C).28449/2006

**AGAINST THE JUDGMENT IN WP(C) 28449/2006 of HIGH COURT OF KERALA
DATED 20-07-2015**

REVIEW PETITIONER

**EBIN JACOB
S/O. C.J.JACOB, CHERUPALLIL, THOTTAKOM
VAIKOM, KOTTAYAM.**

BY ADV. SRI.THOMAS ANTONY

RESPONDENTS:

- 1. INDO AMERICAN HOSPITAL BRAIN & SPINE CENTRE
CHEMMANKARY, VAIKOM, KOTTAYAM DT.**
- 2. DR. P.C.MENON M.S. (ORTHO)
CONSULTANT ORTHOPEADIC SURGEON
INDO-AMERICAN HOSPITAL BRAIN AND SPINE CENTRE
CHEMMANKARY, VAIKOM, KOTTAYAM DT.**
- 3. THE STATE CONSUMER DISPUTES
REDRESSAL COMMISSION, VAZHUTHAKKAD, TRIVANDRUM.**

R1 BY ADV. GOVERNMENT PLEADER SMT. A. LOWSY

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

=====

**R.P.No. 807 of 2015 in
W.P.(C) No.28449 of 2006 - J**

=====

Dated this the 9th day of October, 2015

ORDER

The petitioner seeks review on the ground that the petitioner could not get the address of the 2nd respondent, on whom affixture had to be made as directed by this Court on 18.07.2008. The learned Counsel submits that now the petitioner has the address and he may be permitted to take out notice. However as noticed in the judgment under review, the complaint before the Kerala State Consumer Disputes Redressal Commission, related to an incident, which occurred in the year 2001 or prior to that, since the complaint is numbered as O.P. No.78 of 2001. Once the matter was dismissed for not taking out notice against the very same respondent; by Ext.P1. Again an application was filed for restoring the complaint, which also

R.P.No. 807 of 2015 in
W.P.(C) No.28449 of 2006 - J

stood dismissed by Ext.P4. By that time, 5 years had elapsed. True the writ petition was filed in the year 2006 itself, however notice could not be served on the 2nd respondent till date. The allegation itself is against the negligence of the 2nd respondent. What assumes significance is that at this point of time it is about 14 years, since the incident occurred and it would be harsh for this Court to ask the 2nd respondent to defend an action initiated in the year 2001, that too without any prior notice of the same in the intervening period. In such circumstance, this Court is not inclined to review the judgment.

The review petition would stand dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/ 09/10/2015

// true copy //

P.A to Judge.