

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

RP.No. 861 of 2003 IN AS.283/1989

AGAINST THE ORDER IN AS 283/1989 of HIGH COURT OF KERALA
DATED 28-01-2003

REVIEW PETITIONER/APPELLANT:

KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY
VYDYUTHI BHAVAN, THIRUVANANTHAPURAM

BY ADV. SRI.N.D.PREMACHANDRAN, SC, KSEB

RESPONDENT/RESPONDENT:

C.Y.JOY, S/o.YOHANNAN
CONTRACTOR, CHITTATHAPURAYIL
KOLANCHERRY, ERNAKAULAM DISTRICT

BY ADV. SRI.M.P.ABRAHAM

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 08-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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R.P.No.861 of 2003

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Dated this the 08th day of June, 2015

ORDER

Thottathil B. Radhakrishnan, J.

This review petition is filed seeking review of dismissal of a first appeal for non-prosecution by impleading the legal representatives of the deceased respondent. The respondent died on 26.03.1998 and the appeal was closed on 28.01.2003. Obviously, the appeal had abated. This Court could not have done anything other than closing the appeal as abated. The only remedy to the appellant in such an appeal is to seek that the abatement be set aside after condoning delay in applying to do so and also for consequential impleadment. All this would, of course, be on grounds, reasons and cause to be demonstrated for the delay and to set aside the abatement. Therefore, an application seeking review of judgment does not lie.

In the result, this review petition is dismissed without prejudice to the review petitioner/appellant seeking recourse to reliefs in accordance with law as noted above.

Sd/

**THOTTATHIL B. RADHAKRISHNAN
Judge**

**Sd/
SUNIL THOMAS
Judge**

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