

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11704 of 2015 (k)

PETITIONER :

**M/S.FORT HERITAGE (P) LTD.,
NAPIER STREET,FORT KOCHI-682 002,
REP. BY ITS EXECUTIVE DIRECTOR.**

**BY ADVS.SRI.JIMMY GEORGE
SRI.M.JOSE ANTONY**

RESPONDENT(S):

- 1. THE APPELLATE AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT & REGIONAL JOINT LABOUR
COMMISSIONER, CIVIL STATION, KAKKANAD,
COCHIN-682 002**
- 2. THOMAS.M.J., MALLEKAL HOUSE,
PARAKKADAVU.P.O., KURUMASSERY-682 012.**

R1 BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.11704/2015

APPENDIX

PETITIONER'S EXHIBITS:

**P1 COPY OF THE ORDER DATED 10/12/13 PASSED BY THE CONTROLLING
AUTHORITY, ERNAKULAM.**

P2 COPY OF THE APPEAL G.A.NO.11/2014.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K.VINOD CHANDRAN, J.

W.P.(C).No.11704 of 2015-K

Dated this the 08th day of April, 2015

J U D G M E N T

The petitioner is aggrieved by the fact that the appellate authority is proceeding with the appeal insofar as directing the claimant, who is the respondent herein, to lead evidence in the matter. Ext.P1 is said to be an ex-parte award. The appellate authority could either affirm the ex-parte order or set it aside and remand the matter for evidence before the original authority. It may not be proper for the appellate authority to direct evidence to be adduced since then, the petitioner would lose the remedy of an appeal from the order of the original authority. In such circumstance, the appellate authority shall not direct leading of evidence but shall consider the appeal on merits.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
Judge

jma

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P.A to Judge