IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 20TH DAY OF MAY 2016/20TH VAISAKHA 1938

MACA.No.2705 of 2009 ( )

AGAINST THE AWARD IN OPMV 287/1999 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, KALPETTA, WAYANAD, DATED 30-06-2007

APPELLANT(S):

JOSHY, AGED 35 YEARS,
S/O JOSEPH, RESIDING AT KAIPULLIMYLIL HOUSE,
KENICHIRA P.O., SULTHAN BATHERY TALUK, WAYANAD DISTRICT.

BY ADVS.SRI.A.T.ANILKUMAR
SRI.P.DALBI EMMANUEL

RESPONDENT(S):

1. **P.N.REGHU, AGE NOT KNOWN,**
   S/O NARAYANAN, RESIDING AT PULLIKKAL HOUSE,
   AHIRATTUKUNNU P.O., KENICHIRA, POOTHADI,
   WAYANAD DISTRICT.

2. **BIJU, AGED 36 YEARS,**
   S/O NARAYANAN, RESIDING AT PULLIKKAL HOUSE,
   KOLERI P.O., KENICHIRA, SULTHAN BATHERY TALUK,
   WAYANAD DISTRICT.

3. **THE NEW INDIA ASSURANCE CO. LTD.,**
   M.G.T.BUILDING, KALPETTA, WAYANAD.

R3 BY ADV. SRI.LAL GEORGE

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 20-05-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.N.RAVINDRAN &
K.RAMAKRISHNAN, JJ.

M.A.C.A. No.2705 of 2009

Dated this the 20th day of May, 2016

JUDGMENT

P.N.RAVINDRAN, J

This appeal arising from the award passed by the Motor Accidents Claims Tribunal, Wynad on 30.6.2007 in O.P.(M.V.)No.287 of 1999 was filed on 29.10.2009 with a petition to condone the delay of 695 days in filing the appeal. That application was heard and allowed by order passed on 15.7.2013 after notice to the respondents subject to payment of ₹2,000/- as costs. The appeal thereafter came up for admission before the Division Bench of this court on 1.7.2014. On that day, this court directed notice to be issued to respondents 1 and 2, who are the owner and driver respectively of the motor vehicle involved in the accident, by speed post. Sri.Lal George, learned standing counsel for the third respondent insurer took notice on behalf of the third respondent. The appellant did not however take steps to serve notice on respondents 1 and 2. With a result, when the appeal came up for consideration before a Division Bench of this court on 29.6.2015, the Division Bench granted to the appellants one weeks time to take steps. Registry has reported that even thereafter steps

have not been taken to serve notice on respondents 1 and 2. It is thus evident that the appellant is not serious in prosecuting the instant appeal. When the appeal was called on for hearing today, learned counsel appearing for the appellant was not present. There was also no representation on his behalf, though we waited for nearly ten minutes. The instant appeal is therefore dismissed for non-prosecution.

Registry to communicate a copy of this judgment to the appellant.

Sd/-
(P.N. Ravindran, Judge)

Sd/-
(K. Ramakrishnan, Judge)

//True Copy//

P.A. to Judge

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