

Badarudeen Vs. Devarajan

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Court : Kerala

Decided On : Jul-31-2013

Judge : Honourable Mr.Justice Thottathil B.Radhakrishnan

Appellant : Badarudeen

Respondent : Devarajan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN & THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH WEDNESDAY, THE 31ST DAY OF JULY 2013 9TH SRAVANA, 1935 RFA.No. 53 of 2009 ()
----- OS 127/2004 of PRL.SUB
COURT,THIRUVANANTHAPURAM. APPELLANT(S):(DEFENDANT IN THE
COURT BELOW) -----
BADARUDEEN, S/O. MOHAMMED MUSTAFFA, VAYALANIKATHIYA PUTHEN
VEEDU, T.C.NO. 38/1375 POWER HOUSE ROAD, THYCAUD VILLAGE,
THIRUVANANTHAPURAM. BY ADV. SRI.K.B.PRADEEP
RESPONDENT(S):(PLAINTIFF IN THE COURT BELOW)
----- DEVARAJAN,
ARIPADASSERI HOUSE, KAMALESWARAM, MANACAUD VILLAGE,
THIRUVANANTHAPURAM. (REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER, AS IN THE TRIAL COURT, SMT.PREMAKUMARI, D/O.
LEKSHMIKUTTY, NOW RESIDING AT POLICE QUARTERS NO.9, POWER

HOUSE ROAD, ALWAYS). R1 BY ADVS. SRI.THOMAS ABRAHAM SRI.DIPU.R SMT.MERCIAMMA MATHEW SRI.K.S.HARIDAS SRI.V.RENJITH KUMAR THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 31-07-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: tss R.F.A. NO.53/2009 APPENDIX APPELLANT'S ANNEXURES A:- COPY OF REGISTRATION CARD ISSUED FROM THE HOSPITAL. B:- COPY OF DISCHARGE SUMMARY ISSUED FROM THE HOSPITAL. C:- COPY OF PRESCRIPTION NOTE ISSUED FROM HOSPITAL. RESPONDENT'S ANNEXURES NIL TRUE COPY P.A. TO JUDGE tss THOTTATHIL B.RADHAKRISHNAN & BABU MATHEW P.JOSEPH, JJ.

..... C.M.Appln.No.133 of 2009 & RFA No.53 of 2009 Dated this the 31st day of July, 2013.

JUDGMENT

Thottathil B.Radhakrishnan, J.

Read order dated 02.07.2010 on C.M.Appln.No.133 of 2009 and order dated 28.01.2011 in R.P.No.78 of 2011. The Office has endorsed that memo regarding payment of costs has not been received so far. The learned counsel for the respondent says that costs has not been paid. Under such circumstances, the application for condonation of delay will stand dismissed by efflux of time on ground of non-payment of costs. Resultantly, the appeal is rejected. Refund the court fee paid to the appellant, through his learned counsel. (THOTTATHIL B.RADHAKRISHNAN, JUDGE) (BABU MATHEW P. JOSEPH, JUDGE) jg

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