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Cherish vs the Secretary/Manager

Cherish vs the Secretary/Manager

SooperKanoon Citation : sooperkanoon.com/1349572

Court : Kerala Orders

Decided On : May-30-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : FAO/198/2012

Appellant : Cherish

Respondent : The Secretary/Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR TUESDAY, THE 30TH DAY OF MAY 2023 / 9TH JYAISHTA, 1945 F.A.O.NO. 198 OF 2012 AGAINST THE ORDER DATED 28.10.2011 IN I.A.NO.1320 OF 2011 IN A.S.NO.319 OF 2009 ON THE FILE OF THE DISTRICT COURT, KOLLAM APPELLANTS/PETITIONERS/APPELLANTS: 1 CHERISH COUNCIL FOR HUMAN ETHICS RIGHTS AND IMPROVEMENTS OF SOCIAL HEALTH, KILIKOLLOOR VILLAGE, KILIKOLLOOR P.O., KOLLAM REPRESENTED BY ITS PRESIDENT DR.T.R.CHANDRAMOHANAN, RAJALEKSHMI, KILIKOLLOOR,

KOLLAM-4. 2 THATTAMALA ABDUL AZEEZA ADVOCATE, PANAVILA, RAHATH, PADANILAM, THATTAMALA, KOLLAM. BY ADV SRI.T.R.RAJAN RESPONDENTS/RESPONDENTS/RESPONDENTS: 1 THE SECRETARY/MANAGER NAGARAJA TEMPLE, NEAR POWER HOUSE JN, VADAKKEVILA VILLAGE, AYATHIL P.O., KOLLAM. 2 THE SECRETARY/MANAGER PALKULANGARA TEMPLE, KILIKOLLOOR VILLAGE, KILIKOLLOOR P.O., KOLLAM. 3 THE SECRETARY/MANGAER KUZHIKKANDATH TEMPLE, KANNIMELCHERRY, KILIKOLLOOR P.O., KOLLAM.

4 THE SECRETARY THEKKUMKARA JUMA MASJID, KILIKOLLOOR P.O., KOLLAM. 5 THE SECRETARY ISMATH ISLAM MADRASSA, KILIKOLLOOR VILLAGE, KILIKOLLOOR PL.O., KOLLAM. 6 THE SECRETARY KALADEEPAM ARTS & SPORTS CLUB, DO. 7 THE SECRETARY PUTHIYAKAVU BHAGAVATHY TEMPLE, CANTONMENT P.O., NEAR KOLLAM RAILWAY STATION, KOLLAM. 8 MANAGER SHRINE OF VELANKANNI CHURCH, HOSPITAL ROAD, TALUK CUTCHERRY JN, KOLLAM. 9 SECRETARY/MANAGER SREE PARABRAHMODAYA TEMPLE, KIZHAKKEPADANILAM, NEVARAM, THATTAMALA, KOLLAM. 10 THE SECRETARY/MANAGER KALIAZHIKATHU KSHETRAM, NORTH TO VAZHAPALLY LP SCHOOL, UMAYANALLOOR P.O., KOLLAM. 11 THE SECRETARY/MANAGER MUNDACHIRA BHAGAVATHY TEMPLE, MEVARAM, UMAYANALLOOR P.O., KOLLAM. 12 THE SECRETARY, THATTAMALA JUMA MANJID, THATTAMALA P.O., KOLLAM. 13 KERALA WAKF BOARD, VIP ROAD, KALOOR - 17, COCHIN, REP.BY ITS CHIEF EXECUTIVE OFFICER. 14 TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ASSISTANT COMMISSIONER, ANANDAVALLESWARAM, NEAR RAILWAY STATION, KOLLAM.

15 THE DISTRICT SUPERINTENDENT OF POLICE, KOLLAM. 16 STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR, KOLLAM. 17 SECRETARY, POLLUTION CONTROL BOARD, PLAMOOD, PATTOM P.O., THIRUVANANTHAPURAM. 18 THE

SECRETARY TO THE GOVERNMENT OF KERALA, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM. 19 THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT AND FOREST, NEW DELHI. THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 30.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

P.G. Ajithkumar, J.

This is an appeal filed under Order XLIII, Rule 1(d) of the Code of Civil Procedure, 1908. The appellants challenge the order of the District Court, Kollam in I.A.No.1320 of 2011 in A.S.No.319 of 2009. As per the said order application filed by the appellants for readmitting A.S.No.319 of 2009, which was dismissed for default, was dismissed. There is a delay of 137 days in filing this appeal. Consolidated notice was directed to be served on the respondents. But the appellants have not taken steps for completing service of notice. When this matter is taken up for consideration today, the learned counsel appearing for the appellants would submit that he has no proper instruction from the appellants. In the light of the submission of the learned counsel for the appellants and on considering the facts of the case, we are of the view that there is no reason or justification for continuing with the appeal, which was filed in the year 2012. In such circumstances, this appeal is dismissed for non- prosecution. Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE dkr

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