

Joseph vs Jayachandran

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Court : Kerala Orders

Decided On : Oct-23-2019

Judge : Honourable Mr. Justice Anil K.Narendran

Appeal No. : MACA/444/2007

Appellant : Joseph

Respondent : Jayachandran

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
WEDNESDAY, THE 23RD DAY OF OCTOBER 2019 / 1ST KARTHIKA, 1941
MACA.No.444 OF 2007 AGAINST THE AWARD IN OPMV 36/1998 DATED 30-08-2006 OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PALAKKAD
APPELLANT: JOSEPH, AGED 20 YEARS, S/O.KUNJUMON, RESIDING AT VALUPARAMBIL HOUSE, THENKARA P.O., MANNARKKAD. BY ADV. SRI.JACOB SEBASTIAN RESPONDENTS:

1 JAYACHANDRAN, AGED NOT KNOWN, S/O.G.NADRARAJAN, RESIDING AT 68, P.M.SWAMY COLONY,, NATHINAPURI, COIMBATORE - 27. 2 S.CHELLAN, AGED NOT KNOWN, W/O.SOMASUNDHARAN, RESIDING AT 262, 3RD STREET, GANDHIPURAM, COIMBATORE-12, TAMILNADU. 3 NEW INDIA

INSURANCE CO.LTD. COIMBATORE. R3 BY ADV. SMT.P.K.SANTHAMMA
THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 23.10.2019, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: MACA No.444 OF 2007 2

JUDGMENT

The appellant, who is the claimant in O.P.(MV)No.36 of 1998 on the file of the Motor Accident Claims Tribunal, Palakkad, has filed this appeal challenging the award dated 30.08.2006 of the Tribunal, whereby that claim petition stands dismissed.

2. On 23.11.2009, when this appeal came up for admission, this Court issued notice to respondents 1 and 2.

3. Since service of notice was not complete on respondents 1 and 2, fresh notice was taken out on 05.10.2010.

4. On 18.10.2013, when this appeal came up for Petitioner to take steps against R1 and R2 within two days. If steps are not taken, post the petition.

5. Notice issued to respondents 1 and 2 on 26.10.2013

with hearing date on 22.11.2013 returned with an endorsement 'left' in the case of the 1st respondent and 'insufficient address' in the case of the 2nd respondent. Thereafter, no fresh steps have been taken.

6. On 30.09.2019, when this appeal came up for MACA No.444 OF 2007 3 Appellant to take necessary steps within one week.

7. On 11.10.2019, this Court passed the following

order;

Despite the order of this Court dated 18.10.2013 and 30.09.2019, the appellant has not taken steps. The learned counsel for the appellant seeks further time.

8. Today when the case is taken up for consideration,

the learned counsel for the appellant would submit that, though registered notice was sent to the appellant to furnish the correct address of respondents 1 and 2, which had already been acknowledged by the appellant on 12.10.2019, he has no instructions from the appellant as to the correct address of respondents 1 and 2.

Recording the above submission made by the learned counsel for the appellant, this appeal is dismissed for non- prosecution. Sd/- ANIL K. NARENDRAN JUDGE
yd

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