

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

FRIDAY, THE 2<sup>ND</sup> DAY OF JUNE 2023 / 12TH JYAISHTA, 1945

WP(C) NO. 30131 OF 2011

PETITIONER/S:

1 DR.ARAVINDAN, PROPRIETOR, M/S.ARAVIND MEDICAL  
CENTRE, CHAVARA, KOLLAM.  
(DIED, L.R IMPEADED AS ADDL.2ND PETITIONER)

\*ADDL.P2 MRS.AMBIKA ARAVINDAN, W/O.LATE DR.ARAVINDAN  
PROPRIETOR, M/S.ARAVIND MEDICAL CENTRE, CHAVARA,  
KOLLAM.

\*ADDL.2ND PETITIONER IS IMPEADED AS PER ORDER DATED  
2.6.2023 IN I.A.NO.1/2022

BY ADVS.  
SRI.R.BINDU (SASTHAMANGALAM)  
SRI.PRASANTH M.P

RESPONDENT/S:

1 ASSISTANT PROVIDENT FUND COMMISSIONER (C&R),,  
EMPLOYEES PROVIDENT FUND ORGANIZATION,, REGIONAL  
OFFICE, BHAVISHYANIDHI BHAVAN, PATTOM,,  
THIRUVANANTHAPURAM-695004.

2 THE REGIONAL PROVIDENT FUND  
COMMISSIONER,, BHAVISHYANIDHI BHAVAN, PATTOM,,  
THIRUVANANTHAPURAM-695004.

3 THE EMPLOYEES PROVIDENT FUND  
APPELLATE TRIBUNAL,, NEW DELHI-110001.

BY ADVS.  
SRI.N.N. SUGUNAPALAN, SC, P.F.  
SMT.T.N.GIRIJA SCEPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 02.06.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

J U D G M E N T

Against the order of the assessing authority dated 11.4.2007, Ext.P3, petitioner preferred appeal before the Tribunal as ATA No.629(7)/2007, which was dismissed in default vide order Ext.P6 dated 7.4.2010, in the following manner:

“The date of hearing was notified to the parties for hearing on admission of appeal. However, no one appeared on behalf of the appellant. It appears that the appellant is not interested to pursue the appeal. Hence ordered, the appeal is dismissed for default. Copy of order be sent to the parties and the file be consigned to record room.”

2. Learned counsel for the petitioner submitted that the petitioner did not have any chance to appear before the appellate Tribunal.

3. In view of the above, the aforementioned order Ext.P6 dated 7.4.2010 is set aside subject to the condition that the petitioner shall plant ten trees in the coming monsoon as costs in restoring the appeal, ATA No.629(7)/2007, to file. The

appellate Tribunal, Ernakulam Bench is directed to decide the appeal, ATA No.629(7)/2007, in accordance with law, as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a certified copy of this judgment.

The writ petition is allowed as above.

Sd/-  
**AMIT RAWAL**  
**JUDGE**

jg

APPENDIX

PETITIONER'S EXHIBITS

P1 : TRUE COPY OF JUDGMENT DATED 19.3.2004 IN OP NO.8324/1997.

P2 : TRUE COPY OF ORDER DATED 22.2.2005 PASSED BY THE 3RD RESPONDENT.

P3 : TRUE COPY OF ORDER DATED 11.4.2007 PASSED BY THE 1ST RESPONDENT.

P4 : TRUE COPY OF APPEAL MEMORANDUM DATED 23.5.2007.

P5 : TRUE COPY OF JUDGMENT IN WPC 17393/2005 DATED 22.8.2007.

P6 : TRUE COPY OF ORDER DATED 7.4.2010 OF THE APPELLATE TRIBUNAL.