

C.M.P.No.17316 of 2016 in
C.M.A. No.SR87925 of 2013

T.RAJA, J.

Aggrieved over the impugned award dated 28.03.2013 made in W.C.A. No.3 of 2010 on the file of the Additional Commissioner for Employee's Compensation, Puducherry, awarding a sum of Rs.2,71,656/-, the New India Assurance Company Limited has proposed to file the appeal. In the meanwhile, there is a delay of 631 days in re-presenting the appeal.

2.Learned counsel appearing for the Insurance Company/ petitioner would submit that the appeal papers were returned by the Registry on 25.02.2015 granting 10 days time to re-present the same for certain compliance. Only when the matter was posted in the default list, the counsel came to know about the same and therefore, the delay of 631 days in re-presenting the appeal has occurred, which is neither willful nor wanton.

3. As it is well settled law that everyday's delay has to be explained and no such explanation has been given in the present case, this petition fails and the same is dismissed. Consequently, CMA No.SR87925/2013 stands rejected.

T.RAJA,J.

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4.It is submitted that the entire award amount has already been deposited. Therefore, the claimant is permitted to withdraw the amount, by filing appropriate application.

09.11.2016

vga

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