

CMP No.4187 of 2017
in CMA SR.No.59396 of 2014

S.MANIKUMAR, J.
AND
M.GOVINDARAJ, J.

[Order of the Court was made by S.MANIKUMAR, J.]

Not satisfied with the quantum of compensation of Rs.5,55,000/-, with interest at the rate of 9% per annum, from the date of claim till deposit awarded in MCOP.No.122 of 2004, on the file of MACT [Additional District & Sessions Judge, FTC-III, Poonamalllee], legal representatives of the deceased have filed CMA SR.Nos.59396 to 59398 of 2014. Registry has returned the appeal papers on 22.7.2014 for certain defects, to be complied with. One of the defects noticed was that the second appellants name has been wrongly typed in the judgment as B.Dinesh Kumar, whereas in the decree, it was mentioned as Dinesh.

2. According to the appellants, they filed a memo before the tribunal to correct the name of the second appellant in the decree and the claims tribunal carried out the correction in the decree on 14.08.2015. Learned counsel received the same, on 17.08.2015. Thereafter, appeal papers were represented on 05.01.2017. In the result, there was a delay of 888 days in representing CMA Sr.No.59396 of 2014. According to the legal representatives of the deceased, delay was neither willful nor wanton, but due to the abovesaid bonafide reasons.

3. Though time has been consumed for rectifying the defect, as stated supra, in the supporting affidavit to CMP No.4187 of 2017, filed to condone the

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delay of 888 days in representing, they have not offered any valid and satisfactory reasons for the delay from 17.08.2015 to 05.01.2017.

4. However, considering the grivience of the appellants/legal representatives of the deceased, we deem it fit to condone the delay of 888 days in representing, on condition that the appellants pay a sum of Rs.1000/- as costs to the account of Juvenile Justice Fund, Director of Social Defence, Ministry of Social Welfare, Government of Tamilnadu, Kellys, Kilpauk, Chennai-600 010, within a period of one week from the date of receipt of a copy of this order.

5. On payment and filing of cost memo, Registry is directed to number the appeal, if it is otherwise in order. It is also made clear that appellants would not be entitled to any interest on the enhanced compensation, if any, for the period from the date of filing till numbering of the appeal.

6. Registry is directed to make an endorsement, to that effect, in the memorandum of appeal grounds.

[S.M.K.,J] [M.G.R.,J]
07.04.2017

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