

CMP No.19633 of 2019
in CMA Sr.No.92808 of 2019

K.K.SASIDHARAN,J.
AND
ABDUL QUDDHOSE,J.

(Order of the Court was made by **K.K.SASIDHARAN,J.**)

This petition is filed to condone the delay of 3375 days in filing the appeal challenging the decree dated 26.10.2009 in M.C.O.P.No.1439 of 2004 on the file of the Motor Accidents Claims Tribunal/Fast Track Court, Namakkal.

2. We have heard the learned counsel for the petitioners. None appears on behalf of the respondent, in spite of printing the name in the cause list after service.

3. The petitioners in the affidavit filed in support of the miscellaneous petition indicated the reasons for the delay in preferring the appeal against the decree in M.C.O.P.No.1439 of 2004.

4. The affidavit indicates that there was a mistake in the calculation and the same resulted in approaching the trial Court for

rectification. Even, the decree passed in M.C.O.P.No.1439 of 2004 was not satisfied by the respondent.

5. There is nothing on record to disbelieve the reasons given by the petitioners in the affidavit filed in support of the petition to condone the delay of 3375 days in filing the appeal.

6. In the usual circumstances, the parties would not be entitled to interest for the delayed period. However, in the subject case, there was a calculation mistake. Even the amount awarded by the trial Court has not been deposited by the respondent. We are, therefore, of the view that in the interest of justice, the petitioners should not be denied interest.

7. Accordingly, the delay is condoned and the miscellaneous petition is allowed.

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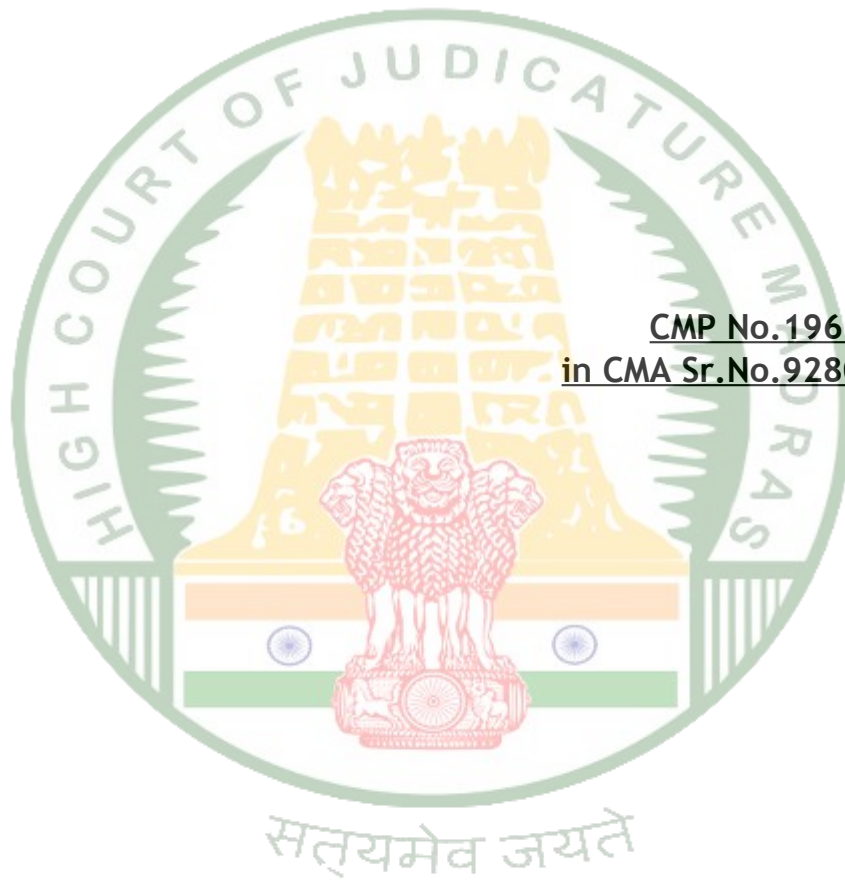
(K.K.SASIDHARAN, J.) (ABDUL QUDDHOSE, J.)
21 OCTOBER 2019

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