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C.M.P.No.5298 of 2021
in C.M.A.SR.No. 9102 of 2021

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C.M.A.SR.No. 9102 of 2021

K.KALYANASUNDARAM,J.
and
V.SIVAGNANAM, J

This petition has been filed to condone the delay of 1063 days in filing the above appeal.

2.Petitioners are the claimants in M.C.O.P.No.2119 of 2015. The claim petition was filed seeking compensation for the death of the 1st petitioner's husband, the father of the 2nd petitioner and the son of the 3rd petitioner.

3.The learned counsel for the petitioners would state that the deceased was working as Pharmacist in Government Hospital, Mettur and he was paid Rs.43,683/- per mensem, as salary. But, the Tribunal has taken income of the deceased as Rs.15,000/- on the basis that the 1st petitioner may get the death benefits as well as compassionate appointment and also family pension. He further submit that the petitioners have shown sufficient cause to condone the delay.

4.Per contra, the learned counsel, Mr.D.Bhaskaran, appearing for the 2nd respondent would state that the inordinate delay of 1063 days in filing



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the appeal has not been properly explained by the petitioners.

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5.However, considering the facts and circumstances of this case, we are inclined to condone the delay of 1063 days in filing the above appeal. However, it is made clear that the petitioners/claimants are not entitled for the interest from the date of Judgment of the Tribunal till the date of numbering the present appeal.

6.Accordingly, this Civil Miscellaneous Petition is allowed and the delay is condoned.

[M.K.K.S.,J.] [V.S.G.,J.]
17.11.2021

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Note:Registry is directed to number the appeal, if it is otherwise in order.



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