



C.M.P.No.4340 of 2020
in C.M.A.SR.17448 of 2017

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in C.M.A.SR.17448 of 2017

V.M.VELUMANI, J.
and
R.SUBRAMANIAN, J.

ORDER

[Order of the Court was delivered by R.SUBRAMANIAN,J.]

This petition has been filed seeking condonation of 896 days delay in restoring C.M.P.No.9390 of 2017, which was dismissed for non-prosecution on 28.06.2017. The said petition was filed seeking permission to enhance the claim amount from Rs.50,00,000/- to Rs.73,95,588/- in the claim petition.

2.We are of the considered opinion that the very petition in C.M.P.No.9390 of 2017 was unnecessary. The power of the Court to grant just compensation over and above the amount claimed is well recognised. Therefore, the dismissal of C.M.P.No.9390 of 2017 in C.M.A.SR.17448 of 2017 will not affect the case of the appellant in the



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appeal, if the appellant is able to demonstrate that he is entitled to more compensation than what is actually claimed, he would be awarded the same despite the fact that there is no petition for enhancement. Hence, we see no reason to entertain this petition.

Accordingly, this Civil Miscellaneous Petition stands dismissed.

(V.M.V., J) (R.S.M., J)
06.06.2022

gsa

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



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