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CMP No.8725 / 2023

C.M.P. No. 8725 of 2023
in
C.M.A. No. SR4258 of 2018

(RESERVED ON: 12.07.2023)

SUNDER MOHAN, J

The petition seeks condonation of delay of 1878 days in paying deficit Court fee.

2.It is the case of the petitioners that they had preferred the appeal on time and in view of the old age of the second petitioner who represents the first petitioner also, they were unable to raise funds for paying the deficit Court fee.

3.The learned counsel for the second respondent, per contra, submitted that though the petitioners may be justified in seeking condonation of delay in paying deficit Court fee, the insurance company should not be put to hardship and made liable to pay interest for the said period in the event of this Court enhancing the compensation amount.

4.This Court on perusal of the affidavit finds that the reason for the delay is justified. The claim of the second petitioner that she was unable to raise funds as she had no income is acceptable. At the same time, this Court finds



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that the insurance company cannot be made liable to pay interest on the enhanced amount for the said period. Therefore, this Court is of the view that the delay can be condoned on condition that the petitioners forfeit the interest for the delay period of 1878 days for the enhanced compensation.

5. Accordingly, this petition is allowed in the above terms.

17.07.2023

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Dated : 17.07.2023