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CMP No.25652 of 2023 in
CMA Sr.No.61235 of 2023

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D.KRISHNAKUMAR, J.

AND

P. DHANABAL, J.

This petition has been filed to dispense with the production of certified copy of the order made in Arbitration O.P.No.1/2010 on the file of the Principal District Judge, Vellore, dated 08.06.2018.

2. According to the petitioner, they came to know about the above said impugned order only on 03.04.2023 and there is no delay on the part of the petitioner in filing the present appeal. Therefore, production of certified copy of the impugned order may be dispensed with.

3. It is the contention of the learned counsel for the petitioner that, the petitioner was not a party to the above original petition, however, the impugned order has been passed enhancing the compensation and directing the petitioner to pay a sum of Rs.27,23,068/- with 9% interest to the first respondent and challenging the above order, the present appeal has been filed. Therefore, if the petition is not allowed, the petitioner will be put to loss and hardship.



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4. Earlier, we direct the Government Pleader to verify, whether the communication with regard to the passing of impugned order has been sent to the petitioner only on 03.04.2023. On instruction dated 1.11.2023, it is informed that, till now, copy of the impugned order was not sent to the office of the Special District Revenue Officer, National Highways, Collectorate, Vellore District. However, notice was sent by the Principal District Court, Vellore in E.P.28/2023 in Arb.OP.No.1/2010, for the hearing on 12.04.2023.

5. Inview of the above, we accept the reasons assigned by the petitioner and hence, inclined to allow the petition.

6. Accordingly, this petition is allowed.

7. Registry is directed to number the civil miscellaneous appeal, if it is otherwise in order. If the appeal is numbered, list the matter next week.

(D.K.K., J.) (P.D.B., J.)

10.11.2023

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