



C.M.P.No.979 of 2022
in C.M.A.No.Sr118383 of 2021

SUNDER MOHAN,J.

This Petition has been filed seeking to condone the delay of 1265 days in filing the above captioned C.M.A.

2.The petitioner had filed a verified petition to dispense with notice to the 1st respondent as he remained *ex-parte* before the Tribunal. Hence, notice to the first respondent is dispensed with.

3.Learned counsel for the 2nd respondent objected the petition for condonation of delay. However, learned counsel submitted that in the event this Court condoning the delay, the petitioner would be entitled to interest only from the date of numbering of the C.M.A.

4.Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent.

5.It is seen from Paragraph No.5 of the affidavit filed in support of this petition that the petitioner has explained the reasons for the delay.

6.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. However, in view of the enormous delay, this Court is of the view that the delay can be condoned on condition that the petitioner shall forfeit the interest from the date of award till the date of numbering of the appeal, in the event this Court enhancing the compensation. Hence, this petition is ordered as prayed for.



SUNDER MOHAN,J.

Rst

7.Registry is directed to number the C.M.A., if it is otherwise in order and list the same in due course by printing the name of Ms.R.Shreevidhya, as learned counsel for the 2nd respondent.

31.08.2023

rst

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