



CMP No.26486 of 2023 in
CMA SR No.61235 of 2023

D.KRISHNAKUMAR, J.
and
P.DHANABAL, J.

This petition has been filed to condone the delay of 1853 days in preferring this civil miscellaneous appeal against the order passed by the learned Principal District Judge, Vellore, in Arb.O.P.No.1 of 2010, dated 08.06.2018.

2. Affidavit of service for the first respondent, has been filed.

3. The first respondent herein had filed Arbitration O.P.No.1/2010 before the Principal District Judge, Vellore to set aside the Award dated 19.11.200 passed by the Arbitrator and also sought for compensation. The above petition was allowed by setting aside the Award passed by the Arbitrator and also granting compensation for a sum of Rs.27,23,068/- with 9% interest. Challenging the above said order, the petitioner herein, who is the National Highways authority has filed the present appeal, along with the instant petition to condone the delay.

4. The learned counsel for the petitioner submitted that, the petitioner is not aware of the enhancement of compensation passed by the learned trial judge and only after filing of execution petition by the first respondent, the petitioner has come to know about the same through the second respondent herein on 03.04.2023 and immediately, they filed the present appeal before



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P.DHANABAL, J.

(mrn)

this Court on 28.04.2023. Therefore, the delay is neither willful nor wanton.

5. He further submitted that, the petitioner is a necessary party, however, the petitioner was not made as a party to the Arbitration proceedings as well as before the District Court. He also submitted that, since the petitioner is aggrieved by the impugned order passed by the learned District Judge, Vellore, it is necessary for them to prefer this appeal. The learned counsel also submitted that, already, the Department has deposited the entire award amount in the Execution proceedings, pending before the Principal District Judge, Vellore.

6. In view of the above, we are satisfied with the reasons assigned in the affidavit filed along with the petition. Hence, we inclined to condone the delay.

7. Accordingly, this petition is allowed.

8. Post on 21.12.2023

mrn

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

20.12.2023

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