



WEB COPY



C.M.P.No.17127 of 2025
in
C.M.A.SR.No.144092 of 2023

DR. G.JAYACHANDRAN,J.
and
MUMMINENI SUDHEER KUMAR,J.

ORDER

[Order of the Court was made by Dr.G.JAYACHANDRAN., J.]

The claimant in M.A.C.T.O.P.No.2091 of 2016 has preferred the present appeal seeking enhancement of compensation, along with a petition to condone the delay of 1709 days in preferring the appeal.

2. The learned counsel appearing for the petitioner/claimant submits that the award of the claim petition dated 19.11.2018 had a typographical error regarding the compensation amount. Hence, a petition under Section 152 of C.P.C., was filed to rectify the said typographical error. The application, numbered as I.A.No.636 of 2019, was considered by the



Tribunal and order was passed only on 17.03.2022. Thereafter, the claimant contacted the counsel to prefer the appeal and in the said process, the delay of 1709 days has crept in.

3. The learned counsel appearing for the Insurance Company submitted that since the delay is on the part of the claimant, in the event of any enhancement of compensation order in this appeal, the claimants would not be entitled for any interest for the delayed period of 1709 days.

4. The learned counsel appearing for the petitioner/claimant submitted that the delay partly due to the typographical error crept in the award and therefore, the client cannot be mulcted with the denial of interest for the said period.

5. This Court, on verifying the records, finds that the award dated



19.11.2018 was sought to be amended by the claimants through their application in I.A.No.636 of 2019 and the same was allowed on 17.03.2022.

The decreetal order passed in I.A.No.636 of 2019 reveals that the application under Section 152 C.P.C., carrying out the typographical error was presented on 02.01.2019 and order was passed on 17.03.2022. However, the copy application was made only on 22.09.2023 I.e., with a delay of 18 months and 5 days, for which no sufficient reason has been assigned by the petitioner/appellant.

6. It appears that the copy application made on 22.09.2023 was processed by the Registry in the District Court, which called for stamps, the copy was made ready on 06.10.2023 and delivered on the same day to the applicant. The appeal before this Court presented on 06.11.2023.

7. In view of the above, the delay in filing the appeal stands



condoned; however, it is made clear that the claimant shall not be entitled to interest for the period of 18 months and 5 days, in the event of any enhancement of compensation in this appeal. Accordingly, this petition is allowed.

[Dr.G.J., J.] & [M.S.K., J.]
19.11.2025

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Note: The Registry is directed to number the appeal, if it is otherwise in order.

Dr.G.JAYACHANDRAN., J.
and
MUMMINENI SUDHEER KUMAR., J.



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