



C.M.P.No.7792 of 20.

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in C.M.A.SR.No.30268 of 2023

WEB COPY **SUNDER MOHAN,J.**

This Application has been filed to condone the delay of 276 days in filing the above captioned C.M.A against the decree and judgment passed in M.C.O.P.No.1362 of 2018, dated 09.06.2020 on the file of the Motor Accident Claims Tribunal/ Sessions Judge (FTMC), Krishnagiri.

2.The notice sent through Court has been served on the third respondent, who is the wife of the deceased. The notice sent to the parents of the deceased namely the 1st and 2nd respondents to the same address was returned with an endorsement "*insufficient address*". The respondents 4 to 6 are minor children of the deceased.

3.Learned counsel for the appellant submitted that the 7th respondent remained ex-parte before the Tribunal and therefore, requested this Court to dispense with the notice to the 7th respondent and had also made an endorsement to that effect in the Court bundle. Hence, notice to 7th respondent is dispensed with.

4.The learned counsel further submitted that the respondents are well aware of the pending proceedings as the appellant had filed a Memo



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before the Execution Court. The 3rd respondent who is the wife of the deceased has not chosen to appear inspite of service of notice.

5. There is force in the submission of the learned counsel for the appellant. Considering the said submission and the fact that the respondents are pursuing execution proceedings against the appellant, this Court is inclined to pass orders on merits in this petition. Considering the averments made in the affidavit filed in support of this application and being satisfied with the same, the delay is condoned. Hence, this application is ordered as prayed for.

7. Registry is directed to number the C.M.A., if it is otherwise in order and the list the same in due course.

17.07.2023

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