



C.M.P.No.8133 of 20.

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in C.M.A.SR.No.32698 of 2023

WEB COPY **SUNDER MOHAN,J.**

This Application has been filed to condone the delay of 1127 days in filing the above captioned C.M.A against the decree and judgment passed in M.A.C.T.O.P.No.5720 of 2015 dated 17.10.2018 on the file of the Motor Accident Claims Tribunal, Small Causes Court, Chennai.

2.Learned counsel for the appellant submitted that the 1st respondent remained ex-parte before the Tribunal and therefore, notice to her may be dispensed with. The learned counsel has made an endorsement. Hence, notice to 1st respondent is dispensed with.

3.Mr.S.Arunkumar, learned counsel appeared on behalf of the 2nd respondent and fairly submitted that he has no objection for the above petition being allowed on condition that the appellant shall forfeite the interest for the delay period, in the event of this Court enhancing the Award amount.

4.Considering the averments made in the affidavit filed in support of this application and being satisfied with the same, the delay is condoned on the condition that the appellant shall not claim interest for



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the delay period of 1127 days, in the event of this Court enhancing the Award amount. Hence, this application is ordered as prayed for.

4.Registry is directed to number the C.M.A., if it is otherwise in order and the list the same on x27.07.2023.

20.07.2023

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