



**C.M.P.No.8312 of 2023**  
**in**  
**C.M.A.SR.No.45138 of 2023**

**N.MALA,J.,**

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This Petition has been filed to condone the delay of 1059 days in preferring the above C.M.A.SR.No.45138 of 2023.

2.The learned counsel for the appellant submits that first respondent remained ex-parte before the Tribunal and hence notice to the first respondent may be dispensed and he has also made an endorsement to that effect. Hence notice to the first respondent is dispensed with.

3. Mr.J.Michael Visuvasam, learned counsel appears for second respondent and he fairly submits that he has no serious objection to the delay of 1059 days being condoned subject to forfeiture of interest for the delay period of 1059 days.

4. In view of the submission made by the learned counsel for the second respondent, the delay of 1059 days is condoned subject to the condition that the claimant shall not be entitled to interest for the delay period of 1059 days.

5. Registry is directed to number the Civil Miscellaneous Appeal, if it is otherwise in order and post the same for admission.

Registry is further directed to print the name of the second respondent's counsel at the time of admission.

Accordingly, this CMP is ordered.

05.06.2023

dsn



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**N.MALA.J.,**

dsn

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