



C.M.P.No.17732 of 2023
in
Cross Obj.87054 of 2023

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R.SUBRAMANIAN,J
AND
D.NAGARJUN,J

(Order of the Court was made by R.Subramanian,J)

This Miscellaneous Petition has been filed to condone the delay of 39 days in filing the Cross Appeal in C.M.A.No.986 of 2023.

2. Heard Mr.S.Angamuthu, learned counsel for the petitioners and Mr.M.Krishnamoorthy, learned counsel for the first respondent.

3. We find from the records that appeal itself was admitted only on 7/6/2023. The date for limitation for filing Cross Objections actually commences within one month, from the date fixed for hearing of the appeal. Fixing the date for hearing of the appeal can happen only after the appeal is admitted not before. Service of notice for admission cannot be deemed to be service of notice of the date fixed for hearing of the appeal. Since the Cross Objections had been filed within 30 days from



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mvs.

the date of admission of the appeal, we are of the firm view that there is no delay in filing the Cross Objections. Hence this application is dismissed as unnecessary.

4. Registry is directed to number the cross objections, without insisting on the delay petition and post it along with appeal, on 20/11/2023. In the meantime, Registry is directed to call for the records from the Motor Accidents Claims Tribunal (II Small Causes Court), Chennai.

(R.S.M.,J) (D.N.R.,J)
13th October, 2023

mvs.

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