



C.M.P.No.17665 of 2023
in C.M.A.SR.No.101059 of 2023

WEB COPY **SUNDER MOHAN,J.**

This Application has been filed to condone the delay of 217 days in filing the above captioned C.M.A against the decree and judgment passed in MCOP.No.517 of 2021, dated 01.07.2022 on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem.

2.Ms.A.Salomi, learned counsel takes notice for the 2nd respondent and fairly submitted that he has no objection for the above petition being allowed on condition that the appellant shall forfeit the interest for the delay period, in the event of this Court enhancing the Award amount.

3.Learned counsel for the appellants submitted that the 1st respondent remained ex-parte before the Tribunal and therefore, requested this Court to dispense with the notice to the 1st respondent and had also made an endorsement to that effect in the Court bundle.

4.Heard both sides.

5.Considering the averments made in the affidavit filed in support of this application and being satisfied with the same, the delay is



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condoned on the condition that the appellants shall not claim interest for the delay period of 217 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 in due course.

07.09.2023

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