



C.M.P.No.18399 of 20.

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in C.M.A.SR.No.102632 of 2023

WEB COPY **SUNDER MOHAN,J.**

This Application has been filed to condone the delay of 184 days in filing the above captioned C.M.A against the decree and judgment passed in MCOP.No.692 of 2013, dated 22.09.2022 on the file of the Motor Accident Claims Tribunal, Additional District Court, Namakkal.

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 appellant 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 appellant shall not claim interest for the delay period of 184 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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