



WEB COPY



*C.M.P. No.23467 of 2023
in C.M.A. SR. No.69551 of 2023*

**C.M.P. No.23467 of 2023
in C.M.A. SR. No. 69551 of 2023**

**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

(Order of the Court was made by M.SUNDAR, J.)

Captioned 'Civil Miscellaneous Petition' (hereinafter 'CMP' for the sake of brevity) has been filed with a 'Condonation of Delay' (hereinafter 'CoD' for the sake of brevity) prayer qua 26 days delay in filing the captioned 'Civil Miscellaneous Appeal' (hereinafter 'CMA' for the sake of brevity).

2. To be noted, captioned CMA is a statutory appeal under Section 173 of 'The Motor Vehicles Act, 1988 (Act 59 of 1988)' (hereinafter 'MV Act' for the sake of brevity) and the State is the appellant.

3. In the captioned CMP, Hon'ble Predecessor Division Bench has ordered notice on 19.10.2023. Mr.M.R.Jothimanian, learned counsel for first respondent and Mr.C.Selvarasu, learned counsel for second respondent are before this Court.



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4. Both the learned counsel for respondents 1 and 2 very fairly submit that they are not opposing the CoD prayer considering the nature of the matter. This is a very fair stand taken by learned counsel and this Court places on record its appreciation. However, for completion of facts, we deem it appropriate to record that Mr.R.Siddharth, learned Government Advocate for petitioner/appellant adverted to paragraph 12 of the support affidavit and submitted that the delay occurred owing to administrative reasons i.e., frequent transfer of officers. However, as alluded to supra, it is not necessary to dilate much on this aspect as the contesting respondents' counsel Mr.M.R.Jothimanian and Mr.C.Selvarasu fairly submitted that CoD prayer is not opposed.

5. In the light of the narrative thus far, captioned CMP is ordered as prayed for or in other words delay is condoned. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
24.01.2024

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