



WEB COPY



*C.M.P. No.23836 of 2023
in C.M.A. SR. No.40378 of 2023*

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**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 297 days delay in filing 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 insurance company is the appellant.

3. In the captioned CMP, Hon'ble Predecessor Division Bench has ordered notice on 19.10.2023. Ms.E.Ramyashree, learned counsel for both respondents is before this Court.

4. Learned counsel for respondents very fairly submits that



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she is not opposing the CoD prayer considering the nature of the matter. This is a very fair stand taken by learned counsel for respondents and this Court places on record its appreciation. However, for completion of facts, we deem it appropriate to record that Mr.P.Suresh Srinivasan, learned counsel for petitioner/appellant adverted to paragraph 9 of the support affidavit and submitted that the delay occurred owing to officer incharge being afflicted by Covid and being under medical treatment for six months. However, as alluded to supra, it is not necessary to dilate much on this aspect as the contesting respondents' counsel Ms.E.Ramyashree 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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