



C.M.P.No.19890 of 2023
in
C.M.A.SR.No.102708 of 2023

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KRISHNAN RAMASAMY, J.

This petition is filed to condone the delay of 1295 days in filing the C.M.A.SR.No.102708 of 2023.

2. The learned counsel for the appellant submitted that, due to misplacing of the original Judgment and Decree copies of the Tribunal and also non-availability of fund, the appellant was not able to file the present Civil Miscellaneous Appeal in time. Further, she submitted that, as per the award of the Tribunal, the Transport Corporation has not deposited the amount.

3. Mr.C.R.Suresh Kumar, the learned counsel entered appearance for the respondent and submitted that the appellant has filed the present Civil Miscellaneous Appeal with huge and inordinate delay of 1295 days, and the said delay is wilful and wanton. However, he requests this Court, to condone the delay, subject to the waiver of interest for the delay period.

4. This Court considered the said submissions made by the learned counsel for the petitioner as well as the respondent.



5. Though the respondent contended that the delay is wilful and wanton, to substantiate the same, no document has been produced. That apart, the respondent is also responsible for depositing the amount awarded by the Tribunal.

6. Considering the submissions made by the learned counsel on both sides and in the interest of justice, this Court is inclined to condone the delay of 1295 days in filing the present appeal, subject to the waiver of interest for the delay period, and the appellant is also agreed for the same.

7. Accordingly, the delay is condoned, subject to the waiver of interest for the delay period, and the petition is allowed.

8. Registry is directed to print the name of the learned counsel for the respondent in the cause list at the time of admission.

19.03.2024

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