



*C.M.P. No.25610 of 2023
in C.M.A. SR. No.106912 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 140 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 insurance company is the appellant.

3. In the captioned CMP, Hon'ble Predecessor Division Bench has ordered notice on 15.11.2023. Mr.P.Rajalingam, learned counsel representing Ms.Ramya V.Rao, learned counsel for respondents 1 and 2 are before this Court. Name of third respondent is shown in the cause list but there is no



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representation.

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4. Learned counsel representing the counsel on record for respondents 1 and 2 very fairly submits he is 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 Ms.K.Swathi, learned counsel representing the counsel on record for petitioner/appellant adverted to paragraph 5 of the support affidavit and submitted that the delay occurred owing to time consumed in obtaining certified copy of the award, placing the same internally and taking a decision regarding filing appeal. However, as alluded to supra, it is not necessary to dilate much on this aspect as the contesting respondents' counsel 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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