



WEB COPY



*C.M.P. No.21911 of 2023
in C.M.A. SR. No.90075 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 318 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 27.09.2023. There are six respondents in the captioned CMP. All six respondents had been duly served thereafter.

Mr.P.Dinesh Kumar, learned counsel for respondents 2 to 4 is



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before this Court. As regards respondents 1, 5 and 6, they have been duly served and their names have been shown in the cause list.

4. As regards respondents 2 to 4, learned counsel very fairly submits that 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 Mr.P.Suresh Srinivasan, learned counsel for petitioner/appellant insurance company adverted to paragraph 9 of the support affidavit and submitted that the delay occurred owing to delay on the part of an officer who was dealing with the matter and who had subsequently left the company. However, as alluded to supra, it is not necessary to dilate much on this aspect as the contesting respondents' counsel Mr.P.Dinesh Kumar 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.



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

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