



*C.M.P. No.25018 of 2023
in C.M.A. SR. No.9649 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 172 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 Transport Corporation is the appellant.

3. In the captioned CMP, Hon'ble Predecessor Division Bench has ordered notice on 02.11.2023. There are seven respondents. Mr.C.P.Balajiram, learned counsel for respondents 1 to 5 and Mr.K.Ponraj, learned counsel for sixth respondent are before this Court. Seventh respondent has been duly served and name is shown in the cause list but there is no representation.



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4. Both the learned counsel for respondents 1 to 5 and learned counsel for sixth respondent 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.C.R.Sureshkumar, learned counsel for petitioner/appellant adverted to paragraph 7 of the support affidavit and submitted that the delay occurred owing to copy of award handed over to the counsel in High Court seeking opinion had to be circulated and time was consumed in obtaining opinion. However, as alluded to supra, it is not necessary to dilate much on this aspect as the contesting respondents' counsel Mr.C.P.Balajiram and Mr.K.Ponraj 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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