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*CMP.No.23781 of 2023
in CMA.No.SR132256 of 2023*

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(Filing Number)

M.SUNDAR, J
and
K.GOVINDARAJAN THILAKAVADI, J

(Order of the Court was made by **M.SUNDAR, J**)

Captioned 'Civil Miscellaneous Petition' ['CMP' for the sake of brevity] has been filed with a 'Condonation of Delay' ['CoD' for the sake of brevity] prayer qua 104 days delay in filing captioned 'Civil Miscellaneous Appeal' ['CMA' for the sake of convenience and clarity], which 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].

2. In captioned CMP, Hon'ble predecessor Division Bench ordered notice on 06.11.2023, notice has since been served on the lone respondent viz., State Transport Corporation and today, Mr.D.Nithin, learned standing counsel for Tamil Nadu State Transport Corporation is before us on behalf of sole respondent.



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3. Mr.B.Santhanagopalakrishnan, learned counsel for petitioners, advertng to paragraph 3 submits that the road accident, which is nucleus of the matter, necessitated native treatment being taken and this is more so as there was fracture of femur bone.

4. Learned Standing counsel for respondent-Transport Corporation submits that the petitioner should have been diligent and with a little more effort could have filed the Appeal within time.

5. We carefully considered the submissions made on both sides.

6. Considering the facts and circumstances, nature of the matter and the manner in which the petitioners are circumstanced and also taking into account the position that we are dealing with beneficial legislation, we deem it appropriate to accede to CoD prayer.

7. In the light of the narrative thus far, delay condoned. Captioned CMP is ordered as prayed for. There shall be no order as to costs.

[M.S. J.] [K.G.T., J]
14.02.2024

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