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*CMP.No.27448 of 2023
in CMA.No.SR143606 of 2023*

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(Filing Number)

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

(Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J**)

This Civil Miscellaneous Petition has been filed for condoning the delay of 141 days in filing the above Civil Miscellaneous Appeal against the judgment and decree dated 13.03.2023 made in MCOP.No.88 of 2021 on the file of Motor Accidents Claims Tribunal, Special District Court, Salem.

2. Mr.M.Sivakumar, learned counsel appearing for the petitioners/appellants would submit that due to financial crisis, the petitioners/appellants were unable to mobilise fund to prefer the appeal in time. Hence, the delay has been caused in filing the appeal. Mr.V.Sakthivel, learned counsel appearing for the respondents 1 and 2 and Mr.S.Arun Kumar, learned counsel appearing for the fourth respondent are before this Court.

3. It is contended by the learned counsel for the respondents that in the support affidavit, sufficient reason is not attributed and therefore, objected for allowing the said CMP.

M.SUNDAR, J



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4. On perusal of the support affidavit, it is found that the reason given by the petitioners/appellants is sufficient to condone the delay. The delay is neither willful nor wanton and there is no gross negligence on the part of the petitioners/appellants in filing the appeal.

5. Hence, in the interest of justice, this CMP is ordered as prayed for and the delay of 141 days is condoned. There shall be no order as to costs.

6. Registry is directed to number the Appeal, if it is otherwise in order.

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

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