



WEB COPY



C.M.P. No. 10855 of 2025
in C.M.A.SR.No.48867 of 2025

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 116 days in filing the above Civil Miscellaneous Appeal against the award dated 08.01.2024 passed in M.A.C.T.O.P.No. 5678 of 2016, on the file of Special Sub-Judge-II, Court of Small Causes, Motor Accident Claims Tribunal, Chennai.

2. Mr.K.Ayyadurai, learned counsel for appellant submitted that due to continuous treatment, the appellant is not able to instruct counsel on record to prefer the above appeal and only during month of March 2025, he gave papers to him, as a result of which, there is a delay of 116 days in filing the above Civil Miscellaneous Appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above Civil Miscellaneous Appeal.

3. Mr.T.K.Premkumar, learned counsel for 2nd respondent appeared and raised strong objections stating that no sufficient reason assigned for the delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition. Registry is directed to number the Civil Miscellaneous Appeal if it is otherwise found to be in order. The interest for the delay period is ordered to be waived.

18.07.2025

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