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C.M.P. No. 12735 of 2025
in C.M.A.SR.No.80031 of 2025

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 2015 days in filing the above Civil Miscellaneous Appeal against the award dated 28.06.2019 passed in M.C.O.P.No. 557 of 2017, on the file of Motor Accident Claims Tribunal, District Court No.II, Kanchipuram.

2. Mr.K.Varadha Kamaraj, learned counsel for appellant submitted that as the covid-19 pandemic at the time of passing award, he was not aware of filing appeal and he could not obtain the certified copy immediately. Only on 18.02.2025 fresh certified copy of award was made ready, however, due to misplace of bundle, the appellant is not able to instruct counsel on record to prefer the above appeal and only during month of May 2025, he gave papers to him, as a result of which, there is a delay of 2015 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.



C.M.P. No. 12735 of 2025
in C.M.A.SR.No.80031 of 2025

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3. Despite service of notice, there is no representation on behalf of 1st respondent.

4. Mr.M.Krishnamoorthy, learned counsel for 2nd respondent appeared and filed his counter affidavit stating that entire award amount was already deposited in the year 2020 itself and the same was also withdrawn by the appellant. He would also raised objections stating that no valid reason explained for the inordinate delay.

5. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one, 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 and to print the name of Mr.M.Krishnamoorthy, learned counsel for 2nd respondent in the cause list. The interest for the delay period is ordered to be waived.

04.08.2025

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