

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

I.A. No.2 of 2018

In/And

M.A.C.M.A. No.952 of 2018

Common Order:

I.A. No.2 of 2018 is filed to condone the delay of 1124 days in filing the Appeal.

The only ground on which delay of 1124 days is sought to be condoned is 'administrative ground', which reads in paragraphs-6 and 7, thus:

“6. I submit that on receipt of the copy of the judgment, the matter was referred by Personal Officer to the Law Officer and the Senior Law Officer ultimately took a decision to file the Appeal. After getting the necessary approvals from the higher authorities and in view of the high stakes involved in the matter, the file was sent to the Standing Counsel for filing appeal in this Hon'ble Court.

7. Immediately thereafter the Standing Counsel drafted the grounds and the same is being filed now. In the process there is a delay of 1124 days in presenting the MACMA. The delay is for Administrative reasons in obtaining sanction from higher authorities. The delay is neither wilful nor wanton but due to the facts stated above. Unless this Hon'ble Court condones the delay of 1124 days in presenting the MACMA, the petitioners will suffer grave and irreparable loss and it will serious effects on the public exchequer.”

Certainly, these grounds cannot be construed as minimum to satisfy sufficient grounds even to order notice to the respondents where the delay is 1124 days.

In such an event, I.A. No.2 of 2018 itself has to be dismissed at the admission stage even without issuing notice.

Even on merits, when seen, a sum of Rs.1,90,000/- was awarded to the petitioners-claimants, who are the parents of the deceased, Donka Santhimala, where the deceased was only 13-year old studying VII standard. The rate of interest at 7.5% per annum is also reasonable.

Therefore, the present I.A. No.2 of 2018 is dismissed. Consequently, the present M.A.C.M.A. is rejected.

As a sequel thereto, miscellaneous petitions if any pending in the M.A.C.M.A. shall stand closed.

Dt. 13.04.2018
gbs

A.SHANKAR NARAYANA

