

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

I.A.No.2 of 2018 in W.A.No.757 of 2018
and
Writ Appeal No.757 of 2018

J U D G M E N T
(Per Hon'ble Sri Justice Sanjay Kumar)

This writ appeal is sought to be preferred by the Management, A.P.Dairy Development Cooperative Federation Limited, Hyderabad, the petitioner in W.P.No.2693 of 2009, against the order dated 28.06.2017 passed by a learned Judge of this Court dismissing the said writ petition.

However, the appeal was preferred with a delay of 277 days and I.A.No.2 of 2018 was filed in the appeal by the appellant seeking condonation of the said delay. However, in the affidavit filed in support of the application, the petitioner-appellant merely stated in paragraph 7 thereof as under:

'It is submitted that the after dismissed the writ petition No.2693 of 2009, dated 28.6.2017, the file was not communicated within time for filing Writ Appeal against the said orders, on the reason, after bifurcation the State of Telangana, the files relating to the A.P Dairy Development Cooperative Federation Limited were mixed with the T.S Diary Development Cooperative Federation Limited. Recently the file bundle along with order copy was communicate to the A.P Dairy Development Cooperative Federation Limited, in that process there is occurred delay of days in filing the above writ appeal. The said delay is neither wanton nor delay, but for the reasons stated above. if the said delay is not condone, the petitioner will suffer irreparable loss and hardship.'

When asked as to who has to communicate the file to the petitioner-appellant federation, Sri Krishna Rao Modhalavalasa, learned counsel, is

unable to offer any answer. As the petitioner-appellant was itself the writ petitioner, we fail to understand as to how it can claim that the said file was not communicated to it for the purpose of filing an appeal.

The practice of filing condonation of delay petitions lackadaisically on the strength of casually drafted affidavits which do not even purport to put forth the semblance of an excuse for seeking condonation of such delay needs to be condemned in no uncertain terms. A party approaching the Court with delay is duty bound to explain the reasons for such delay. Unfortunately, it has become the habit of litigants to assume that the delay would be condoned as a matter of course and need not be justified by offering valid reasons. The aforesaid paragraph 7 in the supporting affidavit clearly demonstrates that this is a case of that nature. Further, as the other side has filed a counter-affidavit contesting the condone delay petition, we necessarily have to address the issue and we find that no acceptable reason has been offered at all for us to condone the delay.

We therefore find no grounds to condone the delay. I.A.No.2 of 2018 is accordingly dismissed. In consequence, W.A.No.757 of 2018 is also dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

5th SEPTEMBER, 2018

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