

C.M.P.No.4854 of 2006
in
AS.SR.No.92012 of 2005

S.M.SUBRAMANIAM, J.

This Civil Miscellaneous Petition is filed to condone the delay of 540 days in filing the appeal.

2. The learned Special Government Pleader(AS), made a submission that the delay occurred on account of certain administrative reasons and the reasons are stated in Paragraph 3 of the accompanying affidavit, which reads as under:

"3. I submit that the learned Additional District & Sessions Judge pronounced the judgment on 29.09.2003. The Additional Government Pleader cum Additional Public Prosecutor, FTC-II, Ranipet has filed copy application on 10.11.2003. The stamps were called for on 12.12.2003 and the same was deposited on 15.12.2003. The certified copy was made ready on 29.03.2004 and delivered on 29.03.2004. The local Government Pleader forwarded the Certified copy with opinion that it is a fit case for filing appeal on 15.04.2004. Immediately, steps were taken to file appeal and handed over the papers to the Additional Government Pleader(AS), High Court, Madras and filed the

appeal with a delay of 540 days.”

3. This Court is of an opinion that the reasons stated for condoning such a delay of 540 days is neither candid nor convincing. As per the affidavit, the local Government Pleader kept the order copy in his custody without forwarding the same for filing appeal. In such an event, suitable actions are to be initiated against the person, who is responsible and accountable for such delay, resulted monetary loss to the State Exchequer. When there is a monetary involvement of tax payers' money, then the public authorities must be cautious. Such delay and lapses are to be viewed seriously and there cannot be any leniency as it causes monetary loss to the State funds. However, the learned Special Government Pleader made a submission that the Trial Court passed an order, enhancing the compensation exorbitantly without any basis and without any reliance on the documents. In view of the fact that the enhancement is made without any documents and without any basis, this Court is inclined to exercise its discretionary powers, so as to condone the delay as the learned Government Pleader could not able to establish certain grounds on merits,

which all are to be adjudicated, when the appeal suit is taken up for hearing.

4. Under these circumstances, the delay of 540 days stands condoned and this Civil Miscellaneous Petition in CMP.No.4854 of 2006 is ordered.

kak

16.12.2019

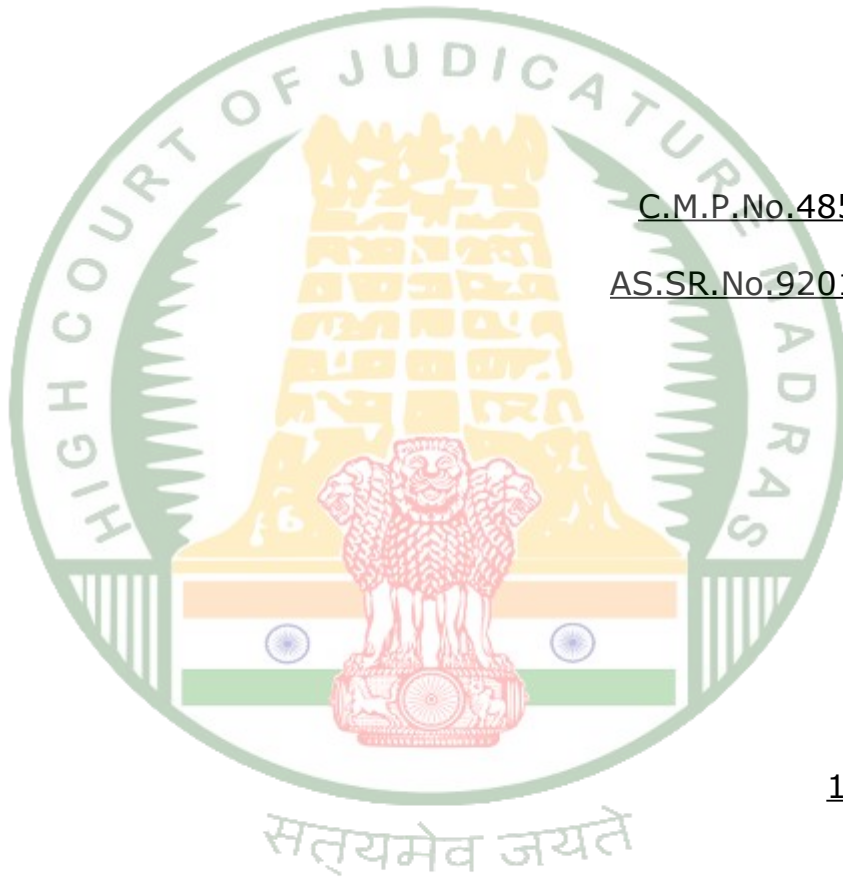


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