

C.M.P. No. 17113 of 2018
in
W.A.SR No. 71191 of 2018

K.K. SASIDHARAN,J.

AND

P.D. AUDIKESAVALU,J.

(Order of the Court was made by K.K. SASIDHARAN,J.)

This petition is filed to condone the delay of 1400 days in filing the intra-court appeal as against the order dated 17 September 2014 in W.P. No. 25274 of 2014.

2. The affidavit in support of the miscellaneous petition is sworn to by the Principal Chief Conservator of Forests (Head of Forest Force), Chennai.

3. The deponent in paragraph No.11 of the affidavit in support of the miscellaneous petition has stated that the order was passed on 17 September, 2014. The draft appeal prepared by the learned Special Government Pleader was approved on 4 December, 2014. In the meantime, the original file was misplaced and tagged along with other files.

4. The petitioners have not given any valid reason other than the reasons indicated above. In case, the original file has been misplaced, we do not understand as to how it could be stated that it was tagged with other files. The petitioners have given

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contradictory reasons even in the affidavit filed in support of the miscellaneous petition.

5. It is true that the length of delay is not material. It is the reasons given by a party for condoning the delay which alone are material. Even a few days' delay would be fatal and a long delay would not be so. However, in a case of this nature, the petitioners must at least give the bare minimum facts so as to enable this Court to condone the delay. Since no such reasons have been given, we are of the view that this is not a fit case for condoning the delay.

6. In the upshot, we dismiss the miscellaneous petition.

(K.K. SASIDHARAN,J.) (P.D. AUDIKESAVALU,J.)

15 April, 2019

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