

WMP No.24855 of 2019
in
WP No.SR 44162 of 2019

M.SUNDAR.J.,

This petition has been filed with a prayer to condone 107 days delay in re-presentation. The prayer reads as follows:

'To condone the delay of 107 days in representing the writ petition in SR.No.44162 of 2019 and pass such further or other order or orders as this Hon'ble Court may deem fit and necessary in the circumstances of the case and render justice.'

2. Reason for delay is articulated in paragraphs 3 and 4 of the affidavit (filed in support of the petition), which read as follows:

'3. I state and submit that I had engaged Counsel Mr.S.Rajasekar to prepare and appear before the Hon'ble High Court, Madras in this writ petition relating to the Assessment Year 2013-14. The Counsel prepared a Writ Petition and filed before the Registry of High Court, Madras on 29th March, 2019. However, it had been returned by the Registry on 10th April 2019, notifying certain defects.

4. I State and submit that I was unable to instruct the Counsel, since I was not keeping good health and suffering from Severe Fistula and I was operated on 06.07.2019 by Dr.K.R.Majumder at Tirupati. I am herewith enclosing the certificate issued by Dr.K.R.Majumder. I was in bed rest for two weeks thereafter. However, I was unable to attend to my

day to day work due to my age and ailments. Since I was inclined to change the counsel, I have arranged to contact Mr.Rajasekar, Advocate on 31.07.2019 and requested him for the writ petition as returned by the Registry of Hon'ble High Court. On receipt of the bundles on 2nd August 2019, I have arranged to contact and engaged a new counsel, i.e., M/s.G.Baskar, M.P.Senthil Kumar, S.Sriniranjani, S.Sree Lakshmi Valli and I.Dinesh, Advocates.'

3. Mr.M.P.Senthilkumar, learned counsel, who is before this Court reiterates the reasons articulated in paragraphs 3 and 4.

4. Adverting to the provisions of law under which instant petition has been filed, learned counsel for writ petitioner submitted that vide Rule 8 of Rules to Regulate Proceedings under Article 226 of the Constitution of India (hereinafter 'said Rules' for brevity), Rules 9 to 11 of Order IV of 1965 Appellate Side Rules of this Court have been made applicable 'so far as may be' for a petition under Article 226 of the Constitution of India. To be noted, said Rules have been made by this Court in exercise of powers under Article 225 of the Constitution of India.

5. Therefore, instant petition is treated as one under sub-Rule 4 of Rule 9 of Rules of the High Court Madras Appellate Side, 1965 read with Rule 8 of said Rules.

6. Having perused the affidavit and heard the learned counsel, this Court is convinced that this is a fit case to accede to the prayer for condonation of the delay in re-presentation.

7. Delay of 107 days in re-presentation is condoned. This petition is allowed.

27.08.2019

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