



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty First day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and

The Hon`ble Mrs.Justice S.ANANTHI

CMP(MD) No.2357 of 2019

IN

WA(MD) No.SR2268 of 2019

THE MANAGEMENT,
TAMIL NADU STATE TRANSPORT CORPORATION
MADURAI DIVISION LTD.,
BYE PASS ROAD, COLLECTORATE POST,
DINDIGUL.

... PETITIONER/APPELLANT

Vs

S.PITCHAIMANI (DIED)

- 1 P.ANNAMAYIL
- 2 P.NAVINKUMAR
- 3 P.BOOPATHYRAJA

- 4 THE JOINT COMMISSIONER OF LABOUR (CONCILIATION),
CHENNAI - 600006.

- 5 THE CHAIRMAN,
TAMIL NADU STATE TRANSPORT CORPORATION LTD.,
EZHILAGAM, CHEPAUK,
CHENNAI-5.

... RESPONDENT/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 664 days in filing this Writ Appeal against the order of this Hon`ble Court dated 23.02.2017 in WP(MD)No.5542 of 2009.

PRAYER IN WA(MD) No.SR2268 of 2019:

To set aside the order in WP(MD) No.5542 of 2009 dated 23.02.2017 on the file of this Hon`ble High Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.JEYARAM, Standing Counsel for the petitioner and of Mr.R.MARIAPPAN, Advocate on behalf of the 1st Respondent and Not appeared for the Respondents 2 to 5 either in person or by an Advocate, the court made the following order:-



(Order of the Court was made by **M.M. SUNDRESH, J.**)

Seeking to condone the delay of 664 days in filing the writ appeal as against the order dated 23.02.2017, made in W.P.(MD) No.5542 of 2009, the petitioner / appellant has filed the present Civil Miscellaneous Petition.

2. The learned Counsel for the petitioner submitted that the first respondent's husband died after the order of the Court. Thereafter, administrative delay has occurred.

3. The learned Counsel for the first respondent submitted that the delay is huge and therefore, this miscellaneous petition is liable to be dismissed. However, the learned Counsel has not filed any counter affidavit.

4. Considering the submissions and after going through the averments, we are inclined to condone the delay, though the reasonings assigned are not fully satisfactory. The decision to condone the delay is also based upon the fact that, *prima facie*, there are issues to be decided in the appeal.

5. In view of the same, the delay is condoned and the petition is ordered, subject to the payment of Rs.3,000/- by the petitioner / appellant to the first respondent, within a period of two weeks from the date of receipt of a copy of this order, failing which, the petition will be dismissed.

6. On showing the proof of payment, Registry is to number the appeal, if the papers are otherwise in order.

sd/-
21/01/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE JOINT COMMISSIONER OF LABOUR (CONCILIATION),
CHENNAI - 600006.

ORDER
IN
CMP(MD) No.2357 of 2019
IN
WA(MD) No.SR2268 of 2019
Date :21/01/2021

gk

<https://hcmv.cse.cop.gov.in/hcmv/2es/01/21/01.2021/2P/2C>