



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

Wednesday, the Tenth day of February 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.6302 of 2020
in
W.A. (MD) No.SR46876 of 2020

THE MANAGEMENT,
Q.849, ARUPPUKOTTAI INDUSTRIAL WEAVERS,
COOPERATIVE SOCIETY LIMITED,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT. ... PETITIONER/ APPELLANT

Vs

1 C.JAYARAMAN

2 THE LABOUR COURT,
MADURAI. ... RESPONDENTS/ 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 1373 days in filing the writ appeal.

PRAYER IN W.A. (MD) No.SR46876 of 2020:

To allow the Writ Appeal and set aside the order dated 19.01.2017 passed by this Hon'ble Court in W.P(MD) No.1018 of 2009.

Prayer in W.P(MD) No.1018 of 2009:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the respondents relating to the order of the Labour Court @ Madurai in I.D.No.157 of 2002, dated 17.12.2008 and quash the same.

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.V.O.S.KALAISELVAM, Advocate for the petitioner, the court made the following order:-

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

Seeking to condone the delay of 1373 days in filing the appeal, the present petition has been filed.

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2. The learned counsel for the petitioner submitted that the delay is neither wilful nor wanton. The petitioner Society has become defunct. There is no one, who is managing the Society. Only after the appointment of the Managing Director, who sworn the affidavit, steps have been taken. The learned Judge and the labour Court misconstrued the provisions of Section 25 of the Industrial Disputes Act.

3. The learned counsel for the first respondent submitted that though the petitioner has become defunct, the same cannot be the sole ground for condonation of huge delay. The respondent No.1 is without employment for more than a decade.

4. The averments made in the affidavit are not denied. However, we are of the view that delay being huge and the respondent being out of employment, notwithstanding the award passed in his favour, the same required to be considered on terms. Accordingly, this petition is allowed and the delay is condoned on payment of Rs.5,000/- (Rupees five thousand only) to the respondent. The cost to be paid within four weeks from the date of receipt of a copy of this order.

5. Post the matter '**for reporting compliance**' on 10.03.2021.

sd/-
10/02/2021

/ TRUE COPY /

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

TO

THE LABOUR COURT,
MADURAI.

ORDER
IN
CMP (MD) No.6302 of 2020
in
W.A. (MD) No. SR46876 of 2020
Date : 10/02/2021

RR
MS/VR/SAR-1/15.02.2021/2P.2C