



WEB COPY



C.M.P.No.9601

IN

W.A.No.SR 5086 of 2020

C.M.P.No.9601 of 2022

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W.A.No.SR 5086 of 2020

R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

(Order of the court was made by R.MAHADEVAN, J.)

This petition has been filed by the petitioner/appellant seeking to condone the delay of 812 days in representing the above W.A.No.SR 5086 of 2020.

2. The learned counsel for the petitioner submitted that, his junior who was assigned with the work of filing this writ appeal left to his hometown during COVID-19 pandemic, where he was afflicted by corona virus and his family members were also became victims one after the other and so, he resume to his work only during January 2022 and thereafter, he had taken the appeal papers from the Registry, the delay had occasioned, which is neither wilful nor wanton and hence, the same may be condoned.

3. Mrs.R.Hemalatha, learned counsel appearing for the respondent has no serious objection for allowing this petition.



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4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on both sides and also taking note of the legal position that the question of limitation is not based on technical consideration, but is on the principles of public policy and equity; and the substantial justice is paramount consideration and pivotal, this court is inclined to condone the delay in filing the appeal.

Accordingly, the delay is condoned and this petition is ordered as prayed for.

[R.M.D., J.] [M.S.Q., J.]

21.06.2022

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