



C.M.P.No.12208 of 2022 in W.A.No.SR 75380 of 2022

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THE HON'BLE ACTING CHIEF JUSTICE

and

D.KRISHNAKUMAR, J.

(Order of the Court was made by The Hon'ble Acting Chief Justice)

The Project Director, National Highways Authority of India, Project Implementation Unit-Chennai has filed this civil miscellaneous petition under Section 5 of the Limitation Act to condone the delay of 47 days in preferring the writ appeal.

2. This Court, while entertaining the application, issued notice to the respondents. Mr.P.Muthukumar, learned State Government Pleader accepts notice on behalf of the respondents 2 & 3. Although service was complete, no one appears for the first respondent.

3. Learned counsel appearing for the petitioner submitted that after the impugned judgment was made ready on 04.02.2022, the same was received by the petitioner on 22.04.2022. When the counsel was approached and advised to prepare the draft writ appeal for approval and for filing, in the



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month of May 2022, the counsel's office was reorganized, as a result, some of the papers got mixed up with the other papers in the office. After taking serious efforts, the bundles were traced and thereafter the appeal was filed. In the meanwhile, the delay of 47 days in preferring the writ appeal had occurred. The delay is neither wilful nor wanton, but only due to the aforementioned reasons.

4. We also find that when the petitioner approached the counsel and handed over the papers, only in the office of the counsel, the papers got mixed up, as a result, the aforementioned delay has occurred. Finding sufficient cause, the delay is condoned and the civil miscellaneous petition is ordered accordingly.

(T.R.,A.C.J.) (D.K.K.,J.)

11.10.2022

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