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C.M.P.No. 19100 of 2021
in
W.A. SR. No. 87190 of 2021

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S. VAIDYANATHAN,J.

AND

MOHAMMED SHAFFIQ,J.

(Order of the Court was made by **S.Vaidyanathan,J.**)

The above C.M.P. is filed to condone the delay of 747 days in filing the writ appeal.

2. Heard the learned counsel for the petitioner. Perused the affidavit filed in support of the petition.

3. Excepting an averment that the son of the petitioner left the parental home due to a love affair, there is no other material before this Court to justify the cause for the delay. A Division Bench of this Court, to which one of us (SVNJ) was a party, in the case of *M/s. Ruskin Sea Foods Limited V. M/s. Evergreen Sea Foods Pvt. Ltd.* reported in *MANU/TN/0876/2018*, by order dated 15.02.2018, dismissed the



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petitions filed for condonation of delay of 765 days in preferring the appeal and categorically held that even if the period of delay is long, the Court is empowered to condone the delay if the reasons assigned are genuine. On the other hand, in case, the reasons are not genuine, even if the delay is of a shorter duration, the Court need not condone the delay.

The relevant paragraph of the said order is extracted hereunder:

"32. Ordinarily, the 'Condonation of Delay' is a matter of discretion to be exercised by the Concerned Court. Also, it is true that the length and breadth of delay is not relevant, but the acceptance of explanation can only be a relevant criterion for the concerned Court to deal with / condone the aspect of 'Condonation of Delay'. However, in this regard, the petitioner/concerned litigant is to offer/ascribe sufficient reasons or project sufficient cause or good cause to condone the delay with a view to enable the Concerned Court to take a liberal view with a view to secure the ends of justice."

4. As we find no sufficient cause shown to condone the delay, the petition is dismissed.

nv

(S.V.N.J.) (M.S.Q.J.)
11.02.2022



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