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*CMP No.3513 of 2023 in
WA No. SR 18969 of 2023*

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**THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKESAVALU, J.**

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

This is an application for condonation of delay of 187 days in filing the appeal.

2. Heard Mr.S.Thankasivan, learned counsel for the applicant and Mr.B.Jagannath, learned counsel for respondent No.5.

3. The learned counsel for respondent No.5 opposes the application on the ground that no sufficient cause is stated. Going abroad to just relax cannot be a cause much less a sufficient cause. According to learned counsel for respondent No.5, the applicant had also filed a contempt petition. The present respondent No.5 had already filed an appeal bearing No.W.A.No.2261 of 2022 challenging the order impugned. The said writ appeal is admitted and notice is also issued.



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4. It is not disputed that respondent No.5 is also challenging the order assailed by the present applicant by filing the instant appeal. The writ appeal filed by respondent No.5 bears W.A.No.2261 of 2022. The order impugned is also a subject matter of challenge before this Court in an appeal. The present appeal also may be heard along with the said appeal which is already pending before this Court assailing the same judgment and order.

5. It also appears that the applicant has misinterpreted the order passed by the Court and on the contrary, has filed a contempt petition on the ground that the order has not been implemented. The applicant, it appears, was on bonafide mistaken of fact. Be that as it may, as the judgment assailed in the present appeal is already a subject matter of challenge in W.A.No.2261 of 2022 filed by the present respondent No.5, both the appeals can be heard together.

In light of that, the application for condonation of delay caused in the filing the appeal is allowed. The delay is condoned. Place the writ appeal, after numbering if otherwise in order, along with W.A.No.2261 of 2022.



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(S.V.G., CJ.)

(P.D.A., J.)

08.09.2023

sra



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