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C.M.P.No.13353 of 2023 in
W.A.No.SR 58844 of 2023

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

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

We have heard learned counsel for the applicants and the first respondent.

2. Learned counsel for the first respondent submits that the application for condonation of delay does not spell out sufficient cause inasmuch as only administrative reason is given. The application states that after the copy application was ready on 30.05.2022, opinion of the panel advocate was required to be obtained. After obtaining the opinion, the issue was placed before the higher authority to obtain necessary sanction. No dates are mentioned in the application. The application is bereft of any cause much less sufficient cause.



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3. We have considered the submissions of learned counsel for the parties.

4. There cannot be any dispute with the proposition put forth by learned counsel for the non-applicants that the Government body also is on par with the private litigant. It cannot be given a special privilege. However, it needs to be considered that each and every day's delay is not required to be explained. The issue is with regard to the levy of wharfage. The issue needs to be settled.

5. The applicants were not to gain by delay. It is trite that when the technical considerations and cause for substantial justice are pitted against each other, the cause for substantial justice has to be subserved.

6. For the reasons stated in the application along with accompanying affidavit, the delay caused in filing the appeal is



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condoned. The application is allowed and disposed of.

7. Place the appeal for admission on 08.08.2023.

(S.V.G., CJ.)

(P.D.A.,J.)

24.07.2023

kpl



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