



C.M.P.No.11484 of 2023
in W.A.No.SR63064 of 2018



R.MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

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

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This civil miscellaneous petition has been filed by the petitioner seeking to condone the delay of 1313 days in re-presenting the above appeal.

2. Mr.L.Chandrakumar, learned counsel for the petitioner / appellant submitted that the case was presented before the Registry on time, but, the same was returned for carrying out certain corrections. He further submitted that since the appellant took time to produce certain requisite documents for rectification, delay in re-presenting the appeal has occurred, which is neither wilful nor wanton and hence, the same may be condoned.

3. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the appellant/petitioner 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 re-presenting the appeal. Accordingly, the delay is condoned and this petition is ordered as prayed for.

[R.M.D., J.] [M.S.Q., J.]
06.06.2023

nsd

Note: The Registry is directed to number the appeal, if it is otherwise in order.



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