



C.M.P.No.10893 of 2023
in W.A.No.SR55775 of 2023



R.MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

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This civil miscellaneous petition has been filed by the petitioners seeking to condone the delay of 375 days in filing the above appeal.

2. Heard the learned counsel for the petitioners, who submitted that since the subject matter in issue is on batch of matters and number of town panchayats was involved, there was delay in consolidation of facts and soliciting views from respective stakeholders and therefore, the delay occurred in filing the appeal which is neither wilful nor wanton, may be condoned. It is also submitted that the respondent has already filed Cont.Petn.No.946 of 2023 thereby compelling the petitioners to implement the order of the learned Judge.

3. On the other hand, the learned counsel for the first respondent filed a detailed counter affidavit, *inter alia* stating that there is no proper reasoning putforth by the petitioners for condoning the delay in filing the appeal. The counter affidavit further proceeds to state that the reason for non-complying with the order of the learned Judge that there cannot be any new post created by the petitioners, is absolutely false and untenable. Thus, according to the learned counsel, the petitioners have preferred the appeal with a huge delay, to drag on the process of complying with the order of the learned Judge.



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nsd

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4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also taking note of the legal position that the substantial justice is paramount consideration rather than technicalities, this court is inclined to condone the delay in filing the appeal. Accordingly, the delay is condoned and the petition is ordered.

5. Registry is directed to number the appeal if it is otherwise in order and list it for admission.

[R.M.D., J.]

[M.S.Q., J.]

20.06.2023

nsd

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