



C.M.P.No.12246 of 2023
IN
W.A.SR.No.72371 of 2023

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R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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

This petition is filed by the petitioner/appellant seeking to condone the delay of 1217 days in filing the above Writ Appeal.

2. Despite service of notice to the respondents 2 and 3 and their name having been printed in the cause list, there is no representation on behalf of them.

3. Mrs.Mythreye Chandru, learned Special Government Pleader, who takes notice for the 1st respondent submitted that she has no objection in allowing this petition seeking condonation of delay.

4. Mr.P.Murali, learned counsel for the petitioner/appellant submitted that the petitioner's health condition was not good, due to age related ailments and therefore, he was not in a position to prefer this appeal in time, which resulted in delay of 1217 days and the same is neither wilful nor wanton. Stating so, the learned counsel sought to condone the delay in filing the appeal.



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5. 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 filing the appeal.

6. Having regard to the reasons stated in the affidavit filed in support of this petition and being satisfied with the same, the delay is condoned and this petition is ordered accordingly.

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[R.M.D., J.] [M.S.Q., J.]
27.07.2023

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

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