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CMP Nos.17454 and 21190 of 2022 in
WA Nos.SR 90532 and 89070 of 2022

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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)

Heard Mr.AR.L.Sundaresan, learned Additional Solicitor General for the applicant and Mr.N.L.Rajah, learned Senior Advocate for the respondents in both the applications.

2. The applications are for condonation of delay in filing the appeals. In one matter, the delay is 139 days and in another matter, the delay is 217 days.

3. According to the learned Additional Solicitor General, the reason for the delay is the interpretation of the order. When the order was passed, contempt petition was moved and only then it was realised that the order is being interpreted by the applicant in a different manner, as such, decision was taken to file appeal. Hence, the delay is caused.



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4. According to the learned Senior Advocate for the respondents, the reasons mentioned in the applications are not the reasons for condonation of delay, but on the merits of the matter. The person who has filed the revised affidavit does not have the personal knowledge. The Master Plan is the final plan for zoning purposes. There cannot be any debate on the said aspect. The same is a settled proposition of law.

5. We have considered the submissions.

6. The applicant is not to gain by delay in filing the appeals. The reasons are given for condonation of delay in the revised affidavit. It is stated that the applicant was interpreting the order in a particular manner, however, it is only when the contempt was filed, it was realised that the manner in which the applicant was interpreting it was not the view of the learned Single Judge. The contentions on merits can be considered while deciding the appeals. It is trite that wherever technical considerations and cause for substantial justice are pitted against each other, the cause for

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substantial justice has to be sub-served.

For the reasons mentioned in the applications, the delay caused in filing the appeals is condoned. The applications are allowed and disposed of.

**(S.V.G., CJ.) (P.D.A., J.)
08.09.2023**

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