



C.M.P.No.11324 of 2023
in W.A.No.SR24445 of 2019



R.MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

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

WEB COPY

This civil miscellaneous petition has been filed by the petitioner seeking to condone the delay of 1161 days in re-presenting the above appeal.

2. Mr.M.Muthappan, learned counsel for the petitioner / appellant submitted that the case was filed on 15.02.2019 and the same was returned on 18.02.2019 for complying with certain defects. He further submitted that since there were some documents to be translated, the delay has occasioned, 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.



WEB COPY



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

nsd

C.M.P.No.11324 of 2023
in W.A.No.SR24445 of 2019

06.06.2023