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CMP No.20254 of 2022
in WA No. SR 111380 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)

We have heard Mr.P.Valliappan, learned senior counsel for the petitioner, Mr.G.Ilamurugu, learned counsel for respondent No.1 and and Mrs.R.Anitha, learned Special Government Pleader, for respondents 2 and 3.

2. The learned counsel for the first respondent opposes the application on the ground that no sufficient cause is mentioned. The application for certified copy is also not filed within three days of the order being passed.

3. The reason given is that the learned counsel for the applicant did not file the application for certified copy within time and upon receipt of the certified copy, the appeal is immediately filed. The delay is caused because of the same.



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4. It is trite that for the fault of the lawyer, the litigant should not suffer. Moreover, the applicant was not to gain by delay. It is trite that when cause for substantial justice and technical considerations are pitted against each other, the cause of substantial justice has to be sub-served.

In light of the above and for the reasons given in the application, the delay in filing the appeal is condoned and the application is allowed and disposed of. No costs.

(S.V.G., CJ.) (P.D.A., J.)
03.07.2023

sra



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