



C.M.P.No.22921 of 2022
in W.A.No.SR121797 of 2022



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 1411 days in filing the above appeal.

2. Heard the learned counsel for the petitioners, who submitted that the order under challenge in this writ appeal is a common order passed in W.P.Nos.28539 of 2004 and 9131 of 2008 and the delay part had already been considered by this Court while condoning the delay of 262 days in filing an appeal by the petitioners against W.P.No.28539 of 2004, pursuant to which, W.A.No.712 of 2020 has been numbered and the same is pending consideration before this Court. He further submitted that as the writ petition in W.P.No.9131 of 2008 was filed with respect to Thirumangalam Scheme, the Department had to gather various particulars and documents to prefer an appeal and therefore, the delay occurred in filing the present appeal, is neither wilful nor wanton and the same may be condoned.

3. On the other hand, the learned counsel for the first respondent raised objection for condoning the delay in filing the appeal, by filing a detailed counter affidavit, wherein, it is stated *inter alia* that the petitioners have not explained the delay with plausible reasons and therefore, the appeal may be dismissed on the ground of delay alone.

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



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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. The 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.]
10.07.2023

nsd

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