



WEB COPY



C.M.P. No.20843 of 2022
in W.A. (SR) No. 130568 of 2022

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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 to condone the delay of 2948 days in filing the above writ appeal.

2.Heard the learned counsel for the petitioner / appellant, who submitted that the petitioner / appellant is aged 74 years and between 2016-2019, he suffered from viral disease and that, due to pandemic covid-19 situation, the petitioner / appellant was unable to contact his counsel for giving instructions to file the appeal in time and hence, the delay occasioned is neither wilful nor wanton. The learned counsel further submitted that in similar circumstances, by order dated 15.03.2020 in CMP.No.4118 of 2022 in WA(SR)No.74853 of 2014, a Co-ordinate Bench of this court, in which, one of us (MSQJ) was a member, has condoned the delay of 2706 days in representing the appeal, subject to payment of costs of Rs.5000/- by the petitioner / appellant therein.



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Therefore, the learned counsel prayed to condone the delay in filing the appeal, subject to any condition that may be imposed by this court.

3. On the above submissions, we have heard the learned Additional Government Pleader appearing for the respondents.

4. Considering the facts and circumstances of the case coupled with the submissions made by the learned counsel for the petitioner / appellant, this court is inclined to condone the delay in filing the appeal, subject to a condition that the petitioner / appellant shall pay a sum of Rs.5,000/- towards costs, to the Chief Justice Relief Fund, High Court, Madras, within a period of two weeks from the date of receipt of a copy of this order, failing which, this order will stand vacated automatically without any further reference to this court.

5. Upon complying with the aforesaid condition and subject to payment of costs, the delay is condoned and this petition stands ordered.

J.]

Maya

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

10.02.2023



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