



CMP No.9165 of 2023
and
WA No.SR 136149 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)

This is an application for condonation of delay of 68 days in filing the appeal.

2. Heard learned Senior Counsel for the applicant and the learned counsel for the non-applicant.

3. Learned counsel for the non-applicant opposes the application for condonation of delay on the ground that the affidavit filed by the applicant, does not depict the true and correct facts. Copy of the order was uploaded much earlier and as such, it is erroneous on the part of the applicant to suggest that the applicant was not aware of the order and, or, the copy of the order was not available. It is further submitted that even notice was given by the present non-applicant to the applicant pursuant to the order of learned single Judge that the demand has been set aside. As such, the applicant was very much aware of the same.



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4. The applicant appears to be a Corporation. The delay is of 68 days in filing the appeal. The reasons are depicted. The applicant is not to gain by the delay.

5. The remedy of appeal is a substantive remedy. If the technical considerations and cause for substantial justice are pitted against each other, the cause for substantial justice has to be sub-served. The merits of the contention can certainly be considered while dealing with the appeal.

6. In light of the above and for the reasons stated in the accompanying affidavit, the delay of 68 days caused in filing the appeal is condoned. The application is allowed and disposed of.

(S.V.G., CJ.)

(P.D.A., J.)

21.07.2023

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