



CMP(MD) No.8014 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

and

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CMP(MD) No.8014 of 2023

IN

WA(MD)SR.No.48058 of 2023

M.AYYANAR

... PETITIONER/ APPELLANT

Vs

1 THE PRESIDING OFFICER
LABOUR COURT, MADURAI

2 THE MANAGEMENT
VELLAISAMY NADAR POLYTENCHNIC,
VIRUDHUNAGAR

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 456 days in filing the above writ appeal against the order passed in WP (MD) No.1555 of 2011 dated 05.02.2021 and thus render justice.

PRAYER IN WA(MD).SR.No.48058/2023:

Pleased to set aside the order dated 05.02.2021 passed in WP(MD).1555/2011 by allowing the Writ Appeal.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. S.KARTHIK, Advocate for the petitioner and of Mr.T.PON RAMKUMAR, Advocate on behalf of the 2nd Respondent, the court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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[Order of the Court was made by S.S.SUNDAR, J.]

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This civil miscellaneous petition is filed to condone the delay of 456 days in filing the above appeal.

2. Heard Mr.T.Pon Ramkumar, learned counsel appearing for the second respondent.

3. In the affidavit filed in support of the petition, the petitioner has given several reasons for the delay. However, one of the reasons stated in the affidavit is that due to pandemic, the petitioner was unable to file the appeal in time.

4. Eventhough pandemic due to Covid-19 may be the reason, the delay after normalcy is not explained. However, this Court finds that there are other circumstances that was pointed out in the affidavit. Though counter affidavit is filed and the second respondent has serious objection, this Court finds that in the interest of justice, the petitioner should be given one more opportunity to file an appeal to get a decision on the merits of the appeal. However, having regard to the inordinate delay, the delay may be condoned on terms.

5. Accordingly, this Civil Miscellaneous Petition is ordered on condition that the petitioner pays a sum of Rs.2500/- [Rupees Two Thousand and Five Hundred only] as costs to the Creche run by the Women Advocates Association, Madurai High Court [Account No.770357420, Indian Bank, High Court Branch,



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Madurai, IFSC Code : IDIB000H040], within a period of one [1] week from the date of receipt of a copy of this order, failing which, this Petition shall stand automatically dismissed, without further reference to this Court.

6. On compliance of the condition imposed, the Registry is directed to number the appeal, if the papers are otherwise in order and post it for admission in the usual course.

sd/-
20/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MR
TO
THE PRESIDING OFFICER, LABOUR COURT, MADURAI.
COPY TO:
1 THE SUB ASSISTANT REGISTRAR
A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.8014 of 2023 IN
WA(MD)SR.No.48058 of 2023
Date :20/09/2023

SA/DD/SAR. /25.09.2023/3P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.