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C.M.P.(MD) No.9725 of 2022

in

W.A.(MD) SR No.64036 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

C.M.P.(MD) No.9725 of 2022

in

W.A.(MD) SR No.64036 of 2022

and

W.A.(MD) SR No.64036 of 2022

The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office No.1, Lady Doak College Road,
Madurai District.

... Appellant/Petitioner

-VS-

1.Employee's Provident Fund Appellate
Tribunal,
Scope Minor Core II 4th Floor,
Laxmi Nagar District Centre,
Laxmi Nagar, New Delhi – 110 092.



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2.M/s.Subburaj Match Works,
No.314/4, Viswanatham Village,
Sattur Road, Sivakasi,
Virudhunagar District.

C.M.P.(MD) No.9725 of 2022
in
W.A.(MD) SR No.64036 of 2022

... Respondents

PRAYER (in C.M.P.(MD) No.9725 of 2022): Civil miscellaneous petition filed under Section 5 of Limitation Act to condone the delay of 1255 days in filing W.A.(MD) SR No.64036 of 2022.

PRAYER (in W.A.(MD) SR No.64036 of 2022): Writ Appeal filed under Clause 15 of the Letters Patent Act against the order, dated 26.03.2019, passed in W.P. (MD) No.9232 of 2010, by this Court.

For Petitioner : Mr.K.Muralisankar

For Respondents : No appearance for R1

Mr.C.G.Pethanaraj for R2



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

This civil miscellaneous petition is filed for condoning the delay of 1255 days in filing W.A.(MD) SR.No.64036 of 2022.

2. The pandemic and consequent lockdown is sought to be made as a reason for condonation of exorbitant and inordinate delay of 1255 days.

3. A perusal of the record shows that there has been at least carelessness and negligence on the part of the appellant in prosecuting the matter. Though the orders have pronounced by the Writ Court on 26.03.2019, a copy application has been filed only on 02.02.2022, i.e., almost after three years. The lockdown was imposed only on 22.03.2020, i.e., almost one year after the order having been pronounced by the Writ Court and the copy application, in the present case, has been made several months after the lifting of lockdown. Though



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the copy has been delivered on 14.02.2022, the appeal was filed only on 13th October, 2022, i.e., nearly eight months thereafter.

4. Hence, we do not see any justification to condone the delay and accordingly, the civil miscellaneous petition is dismissed. Consequently, W.A. (MD) SR No.64036 of 2022 is rejected.

[R.S.M., J.] [L.V.G., J.]

21.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



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To:

- 1.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office No.1, Lady Doak College Road,
Madurai District.
- 2.Employee's Provident Fund Appellate
Tribunal,
Scope Minor Core II 4th Floor,
Laxmi Nagar District Centre,
Laxmi Nagar, New Delhi – 110 092.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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