



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

Tuesday, the Eleventh day of July 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.9866 of 2022

in

WA(MD) SR.No.62217 of 2022

N.KODEESWARAN

... PETITIONER/APELLANT

Vs

1 THE DEPUTY INSPECTOR OF POLICE,
DINDIGUL ZONE,
DINDIGUL.

2 THE SUPERINTENDENT OF POLICE
THENI DISTRICT,
THENI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
BODI CIRCLE,
THENI DISTRICT.

... RESPONDENTS/RESPONDENTS

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 460 days in filing writ appeal against the order dated 12-06-2019 in W.P.(MD).No.4215 of 2013.

PRAYER in WA(MD) SR.No.62217 of 2022

To set aside the order passed in WP(MD)No.4215 of 2013 dated 12.06.2019 on the file of this Hon`ble High Court and allow the aboce writ appeal.

Prayer in WP(MD). 4215/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for both the memorandum in PR04/F1/2008 dated 21.03.2012 and leave settlement of suspension in period - order in D.O No. 971/2012/C.No. L1/LR2132/24872/12 dated 10.09.2012 and quash the same as illegal and consequently direct the 2nd respondent shall be treat the suspension period as on duty and dispose the entire benefits of the petitioner.

ORDER : This 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.G.THIRUVARUTSELVAN, Advocate for the petitioner and of Mr.M.LINGADURAI, Special Government Pleader on behalf of the Respondents 1 TO 3, the Court made the following order:-



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

Heard Mr.G.Thiruvarutselvan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2. This civil miscellaneous petition is filed to condone the delay of 460 days in filing the above appeal.

3. The only reason stated in the affidavit filed in support of the petition is that the order of conviction was set aside in Crl.A. (MD) No.548 of 2018 on 14.09.2021 and therefore, there is a delay in filing the appeal as against the order passed in the writ petition.

4. This Court finds that the appeal was presented only on 17.10.2022, when the order in the writ petition was passed on 12.06.2019 and it was made ready as early as on 18.12.2019. Therefore, even though Covid-19 pandemic was stated as a reason, the petitioner could have avoided the delay by due diligence. However, this Court is unable to discard the reasons for the delay.

5. Hence, this civil miscellaneous petition is allowed and the delay of 460 days in filing the above appeal is condoned, on condition that the petitioner pays a sum of Rs.5,000/- (Rupees five thousand only) to the Deputy Superintendent of Police, Bodi Circle, Theni District, within a period of two weeks from today and files a proof for the same before the Registry.

6. On receipt of the cost, the Deputy Superintendent of Police shall spend the same for purchase of furniture to the All Women Police Station, Theni.

7. Upon filing of the proof for payment of cost as directed above, the Registry is directed to number the appeal, if the papers are otherwise in order and post it for admission in the usual course.

8. It is made clear that in the event of failure on the part of the petitioner in paying the cost within the stipulated period, this civil miscellaneous petition will stand dismissed automatically, without reference to this Court.

sd/-

11/07/2023

/ TRUE COPY /

/07/2023

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



1 THE DEPUTY INSPECTOR OF POLICE,
DINDIGUL ZONE,
DINDIGUL.

2 THE SUPERINTENDENT OF POLICE
THENI DISTRICT,
THENI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
BODI CIRCLE,
THENI DISTRICT.

COPY TO :
THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.THIRUVARUTSELVAN, Advocate (SR-10472[I] dated
11/07/2023)

ORDER
IN
CMP (MD) No.9866 of 2022
in
WA (MD) SR.No.62217 of 2022
Date :11/07/2023

SS/BUC/14/07/2023/3P/6C