



C.M.P.No.8277 of 2023 in
W.A.SR.No.44465 of 2023

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THE HON'BLE CHIEF JUSTICE

and

D.BHARATHA CHAKRAVARTHY, J.

Heard Mr.C.P.Sivamohan, learned counsel for
Mr.R.Rajamahendran, learned counsel for the applicants and
Mr.P.Muthukumar, learned State Government Pleader for the
non-applicants.

2. This application is filed to condone the delay of 1145 days in
filing the appeal.

3. Learned State Government Pleader opposes the application on
the ground that no sufficient cause is mentioned and that the delay is
an inordinate one.

4. It is trite that when technical consideration and cause for
substantial justice are pitted against each other, cause for substantial
justice stands sub-served. Moreover, the applicants are not to gain by
the delay. The reasons are given that the advocate of the applicants



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has died and as such, there was a communication gap. The papers could not be received and it is only from the legal heirs of the deceased advocate of the applicants, the papers came to be handedover to the applicants.

5. Considering the aforesaid, the delay of 1145 days in filing the appeal is condoned. Accordingly, the application stands allowed and is disposed of.

(S.V.G., CJ.) (D.B.C., J.)
08.01.2024

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