



C.M.P.No.12337 of 2024
in W.A.No. SR 71699 of 2024

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI,J.

(Order of the court was made by
the Hon'ble Acting Chief Justice)

This petition has been filed by the petitioners to condone the delay of 907 days in filing the appeal against the order dated 23.9.2021 passed in W.P.No.18617 of 2019.

2. On a reading of the affidavit filed in support of the petition, we find that there is no sufficient reason stated for condoning such an inordinate delay of 907 days. The only reason stated in paragraph 26 of the affidavit is that, on receipt of the order, the petitioners addressed the advisory departments regarding filing of the appeal against the said order and immediately after the receipt of the advice, it was decided to go for an appeal against the order dated 23.9.2021. The said reason cuts no ice.



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3. Though this Court is not convinced with the reasons stated in the affidavit filed in support of this petition, in view of the settled position of law that when technical considerations are pitted against the cause for substantial justice, the cause for substantial justice has to be given greater weightage and taking into consideration the arguments canvassed by learned Additional Government Pleader appearing for the petitioners on the merits of the appeal, we are inclined to condone the delay of 907 days in filing the appeal, on condition that the petitioners pay a sum of Rs.10,000/- (Rupees Ten Thousand) towards costs to the respondent and also deposits a sum of Rs.5,000/- (Rupees Five Thousand) with the Tamil Nadu State Legal Service Authority within one week from the date of receipt of a copy of this order, which should be recovered from the officers concerned who have slept over the matter and not filed the appeal within the statutory period.

4. Subject to payment of the aforesaid costs, this miscellaneous petition is ordered.



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The Registry is directed to number the appeal and list the same in the usual course, if it is otherwise found to be in order.

(D.K.K., A.C.J.)

(P.B.B., J.)

23.09.2024

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