



WEB COPY

C.M.P.(MD) No.415 of 2024
in W.A.(MD) SR. No.87 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.P.(MD) No.415 of 2024
in W.A.(MD) SR. No.87 of 2024
and W.A.(MD) SR. No.87 of 2024

V.Kulandhai Velu

... Petitioner in C.M.P./
Appellant in W.A.

-VS-

1.The Executive Engineer,
Marudha Nadhi Project,
Public Works Department,
Pattiveeranpatti Division,
Madurai District.

2.The Labour Court,
Thiruchirappali.
(Dindigul Camp)

... Respondents in C.M.P. & W.A.

PRAYER in C.M.P.(MD) No.415 of 2024: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 4048 days in filing the Writ Appeal.



WEB COPY

C.M.P.(MD) No.415 of 2024
in W.A.(MD) SR. No.87 of 2024

PRAYER in W.A.(MD) SR. No.87 of 2024: Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 12.09.2012 passed in W.P. No. 12429 of 2000 on the file of this Court.

For Petitioner in CMA and : Mr.S.Boominathan
Appellant in W.A. Additional Government Pleader

For 1st Respondent in CMA : Mr.T.Amjad Khan
and W.A. Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Civil Miscellaneous Petition is filed for condoning the delay of 4048 days in filing W.A.(MD) SR. No.87 of 2024.

2. Heard Mr.S.Boominathan, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the first respondent.

3. An appeal has to be filed within the stipulated period, prescribed under the law. Belated appeals can only be condoned, when sufficient reason is



C.M.P.(MD) No.415 of 2024
in W.A.(MD) SR. No.87 of 2024

WEB COPY

shown before the court for the delay. The petitioner who seeks condonation of delay therefore must explain the delay of each day. It is true that the courts should not be pedantic in their approach while condoning the delay, and explanation of each day's delay should not be taken literally, but the fact remains that there must be a reasonable explanation for the delay. In the present case, this delay has not been explained to the satisfaction of the court.

4. The only reason assigned by the appellant for the inordinate delay of 4048 days in filing the appeal, as stated in paragraph No.26 of the affidavit filed in support of the petition, is he entrusted the appeal to a counsel appointed through the legal aid, but he did not file the appeal and returned the case bundle to him. The said reason is not satisfactory for condoning the inordinate delay of 4048 in filing the Writ Appeal. Further, regarding delay, there is no specific particulars or details in the affidavit filed in support of the petition. Hence, this Court is not inclined to condone the delay.



WEB COPY

C.M.P.(MD) No.415 of 2024
in W.A.(MD) SR. No.87 of 2024

5. Accordingly, the Civil Miscellaneous Petition stands dismissed.

Consequently, connected W.A.(MD) SR. No.87 of 2024 is rejected.

[D.K.K., J.] [R.V., J.]
18.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

1.The Executive Engineer,
Marudha Nadhi Project,
Public Works Department,
Pattiveeranpatti Division,
Madurai District.

2.The Labour Court,
Thiruchirappali.
(Dindigul Camp)



WEB COPY



C.M.P.(MD) No.415 of 2024
in W.A.(MD) SR. No.87 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

SJ

C.M.P.(MD) No.415 of 2024
in W.A.(MD) SR. No.87 of 2024

18.01.2024