



C.M.P.(MD) No.5755 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

C.M.P.(MD)No.5755 of 2023

and

W.A.(MD)SR.No.24190 of 2023

M.Ganapathy Kani

... Petitioner

-Vs-

- 1.The Assistant General Manager,
Indian Overseas Bank,
HRMD-Sub-Staff Selection,
Central Office, 763, Anna Salai,
Chennai-600 002.
- 2.The Lead District Manager,
Indian Overseas Bank,
Lead Bank Office,
Cutcherry Road,
Virudhunagar-626 001.
- 3.The Chief Manager,
Indian Overseas Bank,
Personnel Administrative Department,



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Regional Office, Anna Nagar,
Madurai-625 020.

4.The Chief Manager,
Indian Overseas Bank,
Personnel Administrative Department,
Regional Office, Chidambaram Nagar,
Tuticorin-628 001

... Respondents

PRAYER in C.M.P.(MD)No.5755 of 2023: Petition filed under Section 5 of the Limitation Act, praying this Court to condone the delay of 388 days in filing the instant writ appeal against the order passed by this Court in W.P.(MD)No.3183 of 2018 dated 03.02.2022.

PRAYER in W.A.(MD)SR.No.24190 of 2023: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 03.02.2022 made in W.P.(MD)No.3183 of 2018.

For Petitioners : Mr.C.Masilamani

For R2 : Mr.N.Dilipkumar

For R1, R3 & R4 : No Appearance



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ORDER

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

This petition has been filed to condone the delay of 388 days in filing the writ appeal against the order made by this Court in W.P.(MD)No.3183 of 2018 dated 3.02.2022.

2.The reason stated by the petitioner in the affidavit filed in support of this petition is that the petitioner's uncle was suffered from Covid-19 and hence, he could not be able to consult with his Advocate as he was the one, who has to take care of his uncle.

3.On perusal of the entire affidavit filed in support of this petition, except the said reason, no other sufficient reasons whatsoever have been given by the petitioner. The writ petition filed by the writ petitioner was dismissed on 03.02.2022. The pandemic period was prevailed only in the years 2020 and 2021. Hence, the reason stated by the petitioner cannot be accepted. Though Section 5



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of the Limitation Act reads liberal approach in condoning the delay with sufficient cause, such liberal approach cannot be adopted in a mechanical manner without even any valuable reasons.

4.Considering the fact that the petitioners have not adduced any sufficient reasons for condoning the delay, we are not inclined to entertain this petition. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, connected W.A.(MD)SR.No.24190 of 2023 is rejected at SR stage itself. No costs.

[D.K.K., J.] & [R.V., J.]
14.03.2024

NCC : Yes / No
Index : Yes / No
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AND

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