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C.M.P.(MD) No.11058 of 2023

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.11058 of 2023

and

W.A.(MD)SR.No.54927 of 2023

1.The General Manager,
The Tamil Nadu State Transport Corporation,
Tirunelveli.

2.The Assistant Manager,
The Tamil Nadu State Transport Corporation,
Kovilpatti Branch, Kovilpatti.

... Petitioners

-Vs-

D.Tamil Selvan

... Respondents

PRAYER in C.M.P.(MD)No.11058 of 2023: Petition filed under Section 5 of the Limitation Act, praying this Court to condone the delay of 360 days in preferring the writ appeal.

PRAYER in W.A.(MD)SR.No.54927 of 2023: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 20.06.2022 made in W.P.(MD)No.5835 of 2018.



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For Petitioners : Mr.D.Sadiq Raja
Additional Government Pleader
For R2 : Mr.S.Savarimuthu
for Father Xavier Associates

ORDER

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

This petition has been filed to condone the delay of 360 days in filing the writ appeal against the order made by this Court in W.P.(MD)No.5835 of 2018 dated 20.06.2022.

2.The reason stated by the petitioners in the affidavit filed in support of this petition is that the Corporation sought legal opinion as to whether an appeal can be filed against the order made by the learned Single Judge.

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. This Court is of the view that such casual explanations cannot be accepted in the Court of law. Though Section 5 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.



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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.54927 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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