



C.M.P.(MD) No.16213 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

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CORAM:

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

AND

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

C.M.P.(MD)No.16213 of 2023

and

W.A.(MD)SR.No.85612 of 2023

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep.by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited.,
Kumbakonam Region, Kumbakonam.

3.The Assistant Manager (Personnel & Administration),
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Kumabkonam Region,
Kumbakonam.

... Petitioners

-Vs-

S.Kaliyamoorthy

... Respondent

PRAYER in C.M.P.(MD)No.16213 of 2023: Petition filed under Section 5 of the Limitation Act, praying this Court to condone the delay of 281 days in filing the writ appeal.

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PRAYER in W.A.(MD)SR.No.85612 of 2023: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 14.12.2022 made in W.P.(MD)No.13505 of 2022.

For Petitioners : Mr.S.C.Herold Singh

For Respondent : Mr.A.Rahul

ORDER

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

This petition has been filed to condone the delay of 281 days in filing the writ appeal against the order made by this Court in W.P.(MD)No.13505 of 2022 dated 14.12.2022.

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



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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.

4.At this juncture, the learned counsel appearing on behalf of the petitioners submits that the directions issued by the writ Court have been complied with and nothing remains to be considered in this petition.

5.Considering the fact that the petitioners have not adduced any sufficient reasons for condoning the delay and the order of the writ Court has been complied with, we are not inclined to entertain this petition. Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, connected W.A. (MD)SR.No.85612 of 2023 is rejected at SR stage itself. No costs.

[D.K.K., J.] & [R.V., J.]
28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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