



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.M.P.No.36259 of 2024

and

W.P.No.34456 of 2003

P.Maria Joseph Elangovan

... Petitioner

Vs.

1. Government of India,

Represented by Ministry of Finance,

New Delhi.

2. The Chairman and Managing Director,

Canara Bank, Head Office,

J.C. Road, Bangalore.



WEB COPY

W.M.P.No.36259 of 2024 in W.P.No.34456



3. The Deputy General Manager,

Canara Bank, Circle Office,

Teynampet, Chennai.

4. The Branch Manager,

Canara Bank, Puduchatram,

Chidambaram Taluk,

Cuddalore District.

... Respondents

Prayer: Writ Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 1974 days in bringing the restoration petition which is dismissed as default on 23.09.2018 in W.P.No.34456 of 2003.

For Petitioner : Mr.S.Gunasekar

For Respondents 2 to 4 : Mr.C.Seethapathy



WEB COPY

W.M.P.No.36259 of 2024 in W.P.No.34456



ORDER

This application has been filed seeking condonation of delay of 1974 days in filing an application seeking restoration of the writ petition, which was dismissed for default on 23.04.2018.

2. A perusal of the order dated 23.04.2018 passed by this court would disclose that the said writ petition came up for consideration before this court on 06.04.2018 and for want of representation of the petitioner, the same was directed to be listed under the caption 'For Dismissal' on 11.04.2018. On 11.04.2018, the learned counsel for the petitioner appeared before this court and requested to take up the matter on 23.04.2018. However, on 23.04.2018, when the matter was listed before this court, there was no representation for the petitioner. Under those circumstances, this court was constrained to dismiss the writ petition for non-prosecution. However, after a lapse of 1974 days, the petitioner approached this court by filing the present application seeking condonation of delay of 1974 days.



WEB COPY

3. A perusal of the affidavit filed in support of the writ petition would offer explanation only for the period prior to the date of dismissal of the writ petition on the ground that the petitioner underwent a cardiac surgery in the month of June, 2017. The material filed in support of the present application also would disclose that the petitioner was discharged from the hospital after the cardiac surgery on 08.06.2017.

4. From the above, it is evident that the writ petition was dismissed on 23.04.2018 i.e., 10 months after the petitioner was discharged from the hospital. Except stating that the petitioner was suffering from ill-health and undergone cardiac surgery, there is no other reason, much less sufficient reasoning, assigned in the affidavit filed in support of the writ petition to condone the abnormal delay of 1974 days.

5. In view of the same, this court is not inclined to condone the delay of 1974 days and accordingly, the writ miscellaneous petition is dismissed.



WEB COPY

W.M.P.No.36259 of 2024 in W.P.No.34456



20.01.2025



WEB COPY

W.M.P.No.36259 of 2024 in W.P.No.34456



MUMMINENI SUDHEER KUMAR, J.
skr

W.M.P.No.36259 of 2024
in W.P.No.34456 of 2023

20.01.2025