



C.M.P.(MD)No.16516 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

C.M.P.(MD)No.16516 of 2024

in

W.A.(MD)SR.82829 of 2024

G.Kishore Kumar

... Petitioner

-Vs-

- 1.The Director of Medical and
Rural Health Services (ESI),
Office of the Director of Medical and
Rural Health Services (ESI),
Chennai-6.
- 2.The District Collector /
District Officer, (Vishaka Committee),
Kanyakumari District, Nagercoil.
- 3.The Regional Administrative Medical Officer (ESI)
/ Chairman of Vishaka Committee ESI,
Madurai-20.
- 4.The Medical Officer (In-charge),
Government ESI Dispensary,
Nagercoil, Kanyakumari District.
- 5.S.Sophia

... Respondents



C.M.P.(MD)No.16516 of 2024

PRAYER in C.M.P.(MD)No.16516 of 2024: Petition-filed Under Clause 5 of the Limitation Act, to condone the delay of 957 days in preferring the writ appeal against the order passed in W.P.(MD)No.2871 of 2022, dated 15.02.2022.

Prayer in W.A.(MD)No.SR 82829 of 2024:Writ Appeal- filed under Clause 15 of the Letters Patent, to set aside the order in W.P.(MD)No.2871 of 2022, dated 15.02.2022.

For Petitioner : Mr.H.Arumugam
For R1 to R4 : Mrs.D.Farjana Ghoushia,
Special Government Pleader
For R5 : Mr.I.Pinayagash

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

This Civil Miscellaneous Petition has been filed to condone the delay of 957 days in filing the Writ Appeal against the order passed by the learned Single Judge in W.P(MD)No.2871 of 2022, dated 15.02.2022.

2.Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court.



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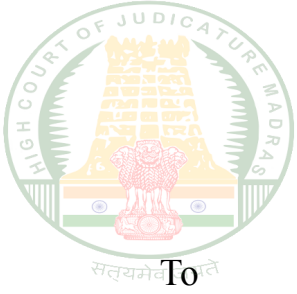
3.Though Courts have consistently held that the merits of the matter should be looked into, instead of throwing it on technicalities, yet, it is also a settled proposition that inordinate delay defeats equity. In the instant case, the averments made in the supporting affidavit are bereft of sufficient cause for condoning the inordinate delay of 957 days in filing the Writ Appeal, which would clearly exhibits lethargic attitude on the part of the petitioner, as such the petitioner is not entitled to indulgence of this Court.

4.Thus, we are not inclined to condone the delay. Accordingly, this petition is dismissed. No costs. Consequently, connected W.A.(MD)No.SR.82829 of 2024 is rejected at SR stage itself.

[J.N.B., J.] & [S.S.Y., J.]
20.02.2025

NCC : Yes / No
Index : Yes / No

Yuva



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J.NISHA BANU, J.

AND

S.SRIMATHY, J.

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