

ITEM NO.3

Virtual Court 6

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 36033/2018

(Arising out of impugned final judgment and order dated 28-07-2017 in SA No. 601/2013 passed by the High Court of Judicature at Madras)

THE DISTRICT COLLECTOR & ORS.

Petitioner(s)

VERSUS

GUNASEKARAN & ORS.

Respondent(s)

(IA No.51579/2020-CONDONATION OF DELAY IN FILING and IA No.51581/2020-EXEMPTION FROM FILING O.T. and IA No.51580/2020-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 17-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Jayant Muth Raj, AAG/Sr. Adv.
Mr. Vinodh Kanna B., Adv.
Mr. K. V. Vijayakumar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The petitioner-authority has filed this special leave petition after a delay of 333 days. The only explanation given for delay in filing, as contained in paragraphs 3 and 4 of the application are the usual pedantic pleas of there being problems in the legal department in obtaining approval and that has been characterised as "some delay". In view of judgment in

Post Master General & Ors.v. Living Media India Ltd. & Anr. (2012) 3 SCC 563 case, we have repeatedly emphasized that such pleas are not admissible. The matter does not end at this as there is a further refiling delay of 438 days. This shows the cavalier manner in which the appeals/petitions are filed and prosecuted.

We may note that in many earlier proceedings we have categorized such cases as "certificate cases" where the only purpose is to approach this court to get a certificate of dismissal of the appeal/petition and such endeavours must be discouraged.

We may note that even before the Trial Court, two of the witnesses of the petitioners did not appear for cross-examination resulting in their depositions being struck off the record and the third witness practically deposed in favour of the plaintiff.

We are thus, of the view that this is not a fit case for condonation of delay and we would have imposed cost but for the prevailing situation.

The special leave petition is dismissed accordingly on the ground of delay.

Pending application shall also stand disposed of.

(ASHA SUNDRIYAL)
AR-CUM-PS

(ANITA RANI AHUJA)
Assistant Registrar