

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Sep-26-2016

Judge : M. Venugopal

Appeal No. : M.P.No. 1 of 2013 in Crl.A.SR.No. 16483 of 2013

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard Mr.V.Murugesan, Learned counsel for the Petitioner/Appellant/Complainant.

2. Paper publications effected for the Respondent on the Tamil and English Dailies, viz., 'Maalai Sudar', 'Makkal Kural' and 'Trinity Mirror' dated 25.08.2016 and 20.09.2016 respectively and the proofs are filed. Respondent called absent thrice. In view of the same, service held sufficient in respect of the Respondent.

3. According to the Petitioner, he is an unemployed graduate and searching for a job in abroad and also, he used to look after his family. Because of his poverty, he is unable to instruct his counsel to prefer an 'Appeal' within time. In that process, there had occasioned a delay of 71 days which is neither wilful nor wanton but due

to the aforesaid reasons.

4. It is not disputed that the Petitioner/Appellant/Complainant has focused the instant Crl.A.SR.16483 of 2013 before this Court (as an aggrieved person) as against the judgment dated 09.11.2012 in C.A.No.21 of 2012 in S.T.C.No.497 of 2008 on the file of trial Court.

5. Considering the fact that the Petitioner is said to be a person suffering from poverty etc., at this stage, this Court, by taking a lenient and liberal view and also, with a view to deliver substantial justice to the parties, overriding technicalities or hyper technicalities in the interest of justice, condones the delay of 71 days, subject to the condition that the Petitioner/Appellant/Complainant shall pay a costs of Rs.750/- (Rupees Seven Hundred and Fifty Only) to the Tamil Nadu Mediation and Conciliation Centre (attached to this Court) on or before 17.10.2016, failing which, it is made clear that the Petition shall stand dismissed automatically without any further reference to this Court.

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