REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8577 OF 2014

Executive Officer, Antiyur Town Panchayat ... Appellant (s)

Versus

G. Arumugam (D) by LRs. ... Respondent (s)

J U D G M E N T

KURIAN, J.:

1. Appellant is aggrieved by the impugned order passed by the High Court declining to condone the delay of 1373 days in filing the appeal against the judgment dated 14.11.2000 in A.S. No. 108 of 1999 on the file of the Subordinate Judge, Bhavani, Erode District,

Tamil Nadu. The first respondent herein filed O.S. No. 267 of 1992 on the file of the Additional District Munsif Court, Bhavani, Tamil Nadu for declaration and possession of the suit land. The Gram Panchayat, defendant in the suit, contended that the suit land is Natham Poramboke and the possession and records of title are in the name of the Panchayat. The trial court dismissed the suit by judgment dated 11.07.1997. The complainant-first respondent herein filed first appeal as A.S. No. 108 of 1999. The appeal was allowed and the suit was decreed by judgment dated 14.11.2000.

2. It appears, no steps were taken by the Executive Officer of the Panchayat at the relevant time. When the Executive Officer, at the time of filing the second appeal, came to know of the proceedings when steps for eviction were taken in execution, he immediately took steps and filed an application on 26.10.2004 for certified copy of the judgment and decree. The same were issued on 15.12.2004, and after obtaining the necessary sanction and on completing the other procedural formalities, the second appeal was filed on 05.01.2005 along with application for condonation of delay. By the impugned order, the High Court declined to condone the delay. According to the High Court, the delay is not properly explained. It is also observed in the impugned order that though the

certified copies were issued on 15.12.2004, the second appeal is filed only on 05.01.2005 and that there is no explanation even for that delay.

3. In the additional affidavit filed on behalf of the appellant on 12.12.2006, it is brought to the notice of this Court that Shri K. G. Ramasamy, who was working as Executive Officer of the Panchayat at the relevant time was suspended from service w.e.f. 12.07.2002 on allegations of corruption. Be that as it may, after going through the records and after hearing the counsel on both sides, we are satisfied that the delay occasioned only on account of the deliberate lapses on the part of the Executive Officer of the Panchayat at the relevant time. Who else are involved in the process, is not quite clear.

4. As held by this Court in **State of Nagaland v. Lipok Ao and others**[1], the court must always take a justice-oriented approach while considering an application for condonation of delay. If the court is convinced that there had been an attempt on the part of the government officials or public servants to defeat justice by causing delay, the court, in view of the larger public interest, should take a lenient view in such situations, condone the delay, howsoever

[1] (2005) 3 SCC 752

huge may be the delay, and have the matter decided on merits.

5. Accordingly, we set aside the impugned order and condone the delay of 1373 days in filing the second appeal. The case is remitted to the High court for further consideration in accordance with law. The Interlocutory Application No. 2 of 2014 is accordingly disposed of.

6. The appeal is allowed as above. There is no order as to costs.

.....J.
(M. Y. EQBAL)

.....J.
(KURIAN JOSEPH)

New Delhi;
January 19, 2015.