

**BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**

**Dated: 16.05.2019**

**Appeal No. 13/2019**

IN THE MATTER OF:

**VARAAKI**

**APPELLANT**

**VERSUS**

**CENTRAL BOARD OF FILM  
CERTIFICATION(CBFC),CHENNAI**

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**RESPONDENT**

APPEAL UNDER SECTION 5C OF THE CINEMATOGRAPH ACT, 1952 (37 OF 1952) AGAINST THE DECISION OF CENTRAL BOARD OF FILM CERTIFICATION (CBFC) IN RESPECT OF **TAMIL MOVIE "SIVA MANASULA PUSHPA"**

**ORDER**

**Chief Justice (Retd.) Manmohan Sarin:-**

1. An appeal titled *Varaaki Vs. Central Board of Film Certification, Chennai* in respect of the film "**Siva Manasula Pushpa**" (*Tamil*) filed by the Appellant Varaaki was received in the office of the Tribunal on 8<sup>th</sup> May, 2019. The appeal assails order dated 14<sup>th</sup> August, 2018 granting 'A' Certificate with excisions and modifications including change in the title and name of the characters of the above film.

2. An appeal under Section 5 (C) of the Cinematograph Act, 1952 is required to be filed within 30 days of the impugned order. The proviso to the

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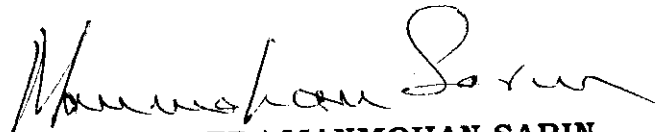
above Section empowers the Tribunal to allow appeal to be admitted with a further period of 30 days, if satisfied, that the appellant was prevented by sufficient cause in filing the appeal. In the present case, the appeal has been received on 8<sup>th</sup> May, 2019. There is a delay of almost 9 months. Therefore, it is not within the statutory power of the Tribunal to condone the delay beyond 60 days and entertain the above appeal, which is barred by limitation.

3. Moreover, it is learnt that the Appellant has availed the remedy of Writ Petition assailing the impugned order, which is pending consideration before the High Court of Chennai.

4. In view of the foregoing discussion, the appeal having been filed with a delay of 9 months, it is beyond the statutory power of this Tribunal to condone. Accordingly, the appeal is dismissed as barred by limitation.



**POONAM DHILLON**  
**MEMBER, FCAT**



**CHIEF JUSTICE (RETD.) MANMOHAN SARIN**  
**CHAIRPERSON, FCAT**