

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD) No.2085 of 2014

1.District Forest Officer,
Salem and Namakkal.

2.State of Tamil Nadu
rep by District Collector,
Namakkal.

... Petitioners

Vs.

Rani

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 30.12.2011 made in I.A.No.1011 of 2006 in un-numbered CMA on the file of the Additional District Judge, Fast Track Court, Namakkal.

For Petitioners	: Mr.M.Santhanaraman, Additional Government Pleader (Forest)
For Respondent	: No appearance

ORDER

Though notice was served on the respondent and her name has been printed in the cause list, none appeared for the respondent.

2.Challenging the order passed in I.A.No.1011 of 2006 in un-numbered CMA No. of 2006 on the file of the Additional District Judge, Fast Track Court, Namakkal, the State has filed the above Civil Revision Petition.

3.The above Civil Revision Petition has been filed by the State, aggrieved by the order passed in I.A.No.1011 of 2006 refusing to condone the delay of 988 days in filing the appeal.

4.In the affidavit filed in support of the petition, the revision petitioners have stated that since they were not in a position to trace the 50 years old documents, they were not in a position to file the appeal in time and after tracing the documents, they obtained sanction from the Authorities and filed the appeal. Hence, there is a delay of 988 days in filing the appeal. The respondent filed her counter and opposed the condonation of the delay.

5.The Lower Appellate Court, taking into consideration the case of both parties, dismissed the application finding that the petitioners have not explained the reasons for the delay in a proper manner.

6.The learned Additional Government Pleader (Forest) appearing for the petitioners submitted that in the connected matters in C.R.P.Nos.4150 of 2011 etc., batch, this Court by order dated 21.11.2013, allowed the Civil Revision Petitions and set aside the order passed by the Lower Appellate Court and condoned the delay in filing the Civil Miscellaneous Appeals.

7.In the case on hand, when the petitioners have explained the reasons for the delay in a proper manner in the affidavit filed in support of the petition, the Lower Appellate Court, in the interest of justice, could have condoned the delay and permitted the petitioners to file the appeal. The petitioners have satisfactorily explained the reasons for the delay in the affidavit filed in support of the petition and in view of the same, I am of the view that the fair and decreetal order passed in I.A.No.1011 of 2006 are liable to be set aside. Accordingly, the fair and decreetal order passed in I.A.No.1011 of 2006 in un-numbered C.M.A.No. of 2006 are set aside. The application in I.A.No.1011 of 2006 stands allowed. The Additional District Judge, Fast Track Court, Namakkal is directed to number the Civil Miscellaneous Appeal and dispose of the same on merits and in accordance with law.

8. With these observations, the Civil Revision Petition is allowed. No costs.

Index : No
Internet : Yes
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22.11.2016

To

The Additional District Judge,
Fast Track Court,
Namakkal.

M.DURAIWAMY,J.

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