

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WIRT PETITION No.7362 OF 2016

ORDER:

The order dated 22.12.2014 in I.A.No.31 of 2014 in I.A.No.273 of 2012 in C.T.A.S.R. No.1361 of 2012 passed by the Cooperative Tribunal at Hyderabad (in short "the Tribunal") is challenged before this Court.

The petitioner challenged the Surcharge Order dated 07.01.2012 passed by the 3rd respondent-Deputy Registrar of Co-operative Societies, Miryalaguda, Nalgonda District, under Section 60 of the A.P. Cooperative Societies Act, 1964 (in short "the Act") before the Tribunal. The petitioner filed a condone delay petition along with the Appeal. The Appeal was registered as C.T.A. SR No.1361 of 2012. Thereafter for non-prosecution of the Appeal the same itself came to be dismissed for default by an order dated 31.07.2013. The petitioner filed a restoration application along with a delay condonation petition, for condonation of delay of 172 days, but the same came to be dismissed by the Tribunal on 22.12.2014.

The ground for delay, in filing the application for setting aside the order dated 31.07.2013, was the advocate whom he has entrusted the appeal stopped practice and went to Dubai. The Tribunal dismissed the same as it did not see the merits in the matter.

Sri Amarnath Goud has taken notice on behalf of the respondent No.4-The Nalgonda District Cooperative Central Bank Ltd., Nalgonda and on instructions he opposes the delay condonation petition.

Having considered the submissions made on behalf of both the counsel and considering the facts that the petitioner has retired from service and that the delay in filing restoration application is only on

account of the fact of non-intimation of the Advocate, who has been entrusted with the appeal, interest of justice would be served by restoring the appeal in SR stage to the file of the Tribunal by putting the petitioner on some terms.

Accordingly, the Writ Petition is disposed of, subject to the condition of petitioner depositing a sum of Rs.2,00,000/- within a period of eight weeks from today. In default, the impugned order stands confirmed without further recourse to this Court. It is made clear that the amount that is directed by this Court to deposit is subject to the final result of the appeal.

There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated: 08.03.2016
Ssv