

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19627 OF 2006

ORDER:

Aggrieved by the order dated 06.10.2005 in I.A.No.344/2003 in C.T.A.No.124/1995 passed by the Court of A.P. Cooperative Tribunal at Warangal, the petitioner filed this Writ Petition.

It is the case of the petitioner that aggrieved by the Surcharge Order dated 23.07.1994 in R.C.No.1014/1991-C, passed by the 1st respondent-The Deputy Registrar of Cooperative Societies, Mulugu, Warangal District, he filed Appeal before the A.P. Cooperative Tribunal, Hyderabad (in short "the Tribunal at Hyderabad") and the same was taken on file as C.T.A.No.124/1995 and granted stay pending disposal of the Appeal on condition of deposit of Rs.6,000/- and he complied with the said condition. Subsequently, on receiving a notice from the respondent authorities for recovery of balance amount, he came to know that the Appeal filed by him was dismissed for default on 23.07.1996 for non prosecution of counsel engaged by him, and on enquiry with his counsel he informed that all the matters pertaining to Warangal District were transferred to newly constituted Tribunal at Warangal from the Tribunal at Hyderabad. Thereafter, he filed I.A.No.344 of 2003 with an application to condone the delay of 2426 days to set aside the default order dated 23.07.1996 and the same was also dismissed on 06.10.2005. Hence, the writ petition.

Learned counsel for the petitioner, persuasively pleads that the delay in filing the delay condonation petition to set aside the order dated 06.10.2005 passed in I.A.No.344 of 2003 in C.T.A.No.124 of 1995 on the file of the Tribunal at Warangal, had occurred only on account of the fact, the Advocate who appeared in that matter had not informed about the proceedings and the petitioner was under impression that the proceedings in the above case are pending.

Having considered the arguments of the learned counsel for the petitioner and a perusal of the material available on record, I find that the Appeal filed against the Surcharge Order dated 23.07.1994 was dismissed on 23.07.1996 and it is the contention of the petitioner that only on receiving the Notice from the respondents for recovery of the balance amount, he came to know about the dismissal of appeal filed by him. Except stating that he was not informed by his counsel about the dismissal of his appeal, he has not made any effort to know the progress of his case. The law assists those that are vigilant with their rights, and not those that sleep thereupon. Here, the petitioner has not explained the day to day delay properly besides, he has not made any effort to verify the court proceedings of his own case for years together. Therefore, this court is not satisfied with the grounds pleaded by the petitioner and not find any error in the order of the Court below in dismissing the petition filed under Section 5 of the Limitation Act.

Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall also stand dismissed.

CHALLA KODANDA RAM, J

Dated: 22.08.2016
Ssv