

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.Nos.18008 to 18013 of 2017
and W.M.P.Nos.19572 to 19577 of 2017

1.Y.Krishnamoorthy
2.Y.Sugunamani
3.Y.Kerreshma

... Petitioners (in all WP's)

Vs.

1.The Additional Chief Secretary to Government,
Commercial Taxes and Registration Department,
Fort St.George, Chennai - 600 009.

2.The Arbitrator/District Registrar,
Chit Fund Cases, Central Madras,
Chennai - 600 001.

3.The Foreman,
Sree Gokulam Chit & Finance Co. (P) Ltd.,
No.49, Arcot Road,
Kodambakkam, Chennai - 24.

... Respondents (in all WP's)

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus calling for the records in respect of the order No.G.O.(D).Nos.407, 406, 404, 405, 403 & 408 dated 11.11.2016 issued by the 1st respondent and quash the impugned order and directing the 1st respondent to condone the delay and to allow the appeal.

For Petitioners (in all W.Ps) : Mr.P.Pazhamalai

For Respondents (in all W.Ps) : Mr.R.Rajeswaran,
Special Government Pleader
(R1 & R2)

C O M M O N O R D E R

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for the respondents 1 & 2. By consent, all the writ

petitions are taken up for disposal in the admission stage itself.

2.The petitioners have filed the above Writ Petitions to issue writs of certiorarified mandamus calling for the records in respect of the order G.O.(D).Nos.407, 406, 404, 405, 403 & 408 dated 11.11.2016 issued by the 1st respondent and to quash the impugned orders and directing the 1st respondent to condone the delay and to allow the appeal.

3.In respect of the chit transactions between the petitioners and the 3rd respondent, the dispute was referred to the 2nd respondent Arbitrator and the 2nd respondent Arbitrator passed separate Awards against the petitioners to the effect that the petitioners are liable to pay the awarded amounts. Though the Awards were passed as early as in the year 2009, the petitioners preferred appeals before the 1st respondent only on 29.09.2016 (i.e.) nearly after seven years from the date of passing of the Awards. In the affidavits filed in support of the petitions to condone the delay, the petitioners have stated that they are natives of Vijayawada, Andhra Pradesh and they could not read the proceedings of the 2nd respondent Arbitrator, which was in Tamil, therefore, they could not follow the Arbitration cases and hence, they were set exparte and Awards were passed.

4.Except stating so, the petitioners have not given any acceptable reasons for condoning the inordinate delay of nearly seven years. The 1st respondent has considered the averments stated in the affidavits filed in support of the petitions and rightly dismissed for want of acceptable reasons given by the petitioners.

5.I do not find any error or irregularity in the orders passed by the 1st respondent. The Writ Petitions are devoid of merits and are liable to be dismissed. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

va

To

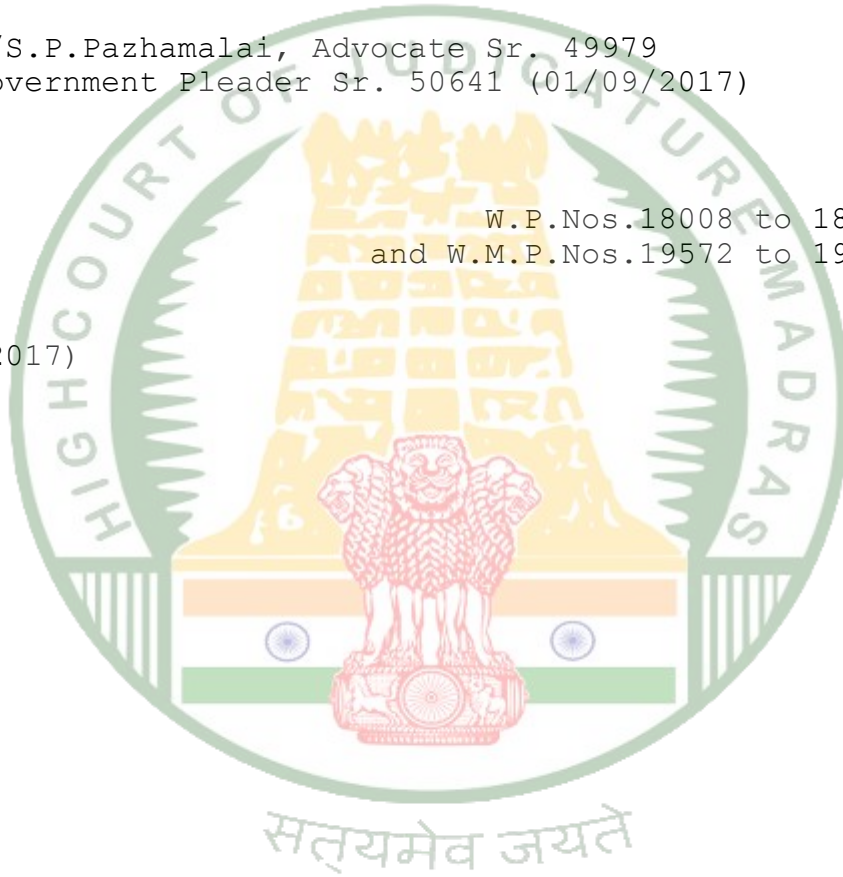
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2. The Arbitrator/District Registrar,
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+1cc to M/S.P.Pazhamalai, Advocate Sr. 49979

+1cc to Government Pleader Sr. 50641 (01/09/2017)

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GMI (CO)
VR(02/08/2017)



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