

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P (NPD) NO.344 OF 2013
AND M.P.NO.1 OF 2013

The Commissioner
Coimbatore City Municipal Corporation
Big Bazaar Street,
Coimbatore - 641 001.

... Petitioner

Vs.

Tr.Joseph Irudayaraj

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order in I.A.No.677 of 2003 in C.M.A.CFR No.12685 of 2003 dated 29.04.2011 on the file of Principal District Judge, Coimbatore.

For Petitioner : Mr.J.Sathya Narayana Prasad
For Respondent : No appearance

ORDER

This Civil Revision Petition is directed against the order dated 29.04.2011, passed in I.A.No.677 of 2003 in C.M.A.CFR No.12685 of 2003, by the learned Principal District Judge, Coimbatore, on the petition filed under Section 5 of the Limitation Act.

2. The Lower Court has dismissed the petition to condone the delay in filing an appeal against the order passed by the Taxation Appellate Tribunal, Coimbatore, in I.A.No.677 of 2003 in C.M.A.CFR No.12685 of 2003, dated 29.04.2011, on the file of Principal District Judge, Coimbatore, holding that the reason for the delay was not specifically explained.

3. In similar circumstances, this Court in a batch of Civil Revision Petitions in CRP (NPD) No.844 of 2012 and etc., batch has condoned the delay, in the interest of justice, after giving fair opportunity to contest the case on merits, rather than shutting down the issue at the threshold on technicalities.

4. It is well settled that substantial justice shall prevail over technicalities. In the above said Civil Revision Petitions, this Court has condoned the delay, on condition that the petitioner in the respective Civil Revision Petitions, shall pay a sum of Rs.5,000/- to the learned counsel appearing for the respondent in the respective Civil Revision Petitions, within a period of three weeks from the date of receipt of a copy of the said order.

5. Considering the facts and circumstances of this case and in the interest of justice that public money involved in the issue, this Court is also inclined to condone the delay on the same lines.

6. It is seen that even though after service of notice, the respondent has not entered appearance. In such circumstances, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) directly to the concerned parties, within a period of three weeks from the date of receipt of a copy of this order.

7. In the result, the order dated 29.04.2011, passed in I.A.No.677 of 2003 in C.M.A.CFR No.12685 of 2003, by the learned Principal District Judge, Coimbatore, is set aside and the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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31.07.2017

Index : Yes/No
Internet : Yes/No
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M.GOVINDARAJ, J.

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To

The Principal District Judge
Coimbatore.



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