



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED ON: 20.02.2018

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD).No.2520 of 2017 (PD)

P.Gopal

... Petitioner / Petitioner
Petitioner / Appellant

Vs.

The Deputy Registrar of Co-operative
Societies, Pandalgudi Road,
Aruppukottai,
Virudhunagar District.

... Respondent / Respondent
Respondent / Respondent

Prayer: Petition is filed under Section 227 of the Constitution of India, praying to set aside the order, dated 27.06.2012, passed in I.A.No.703 of 2010 in I.A.No.nil of 2010 in I.A.No.22 of 2005 in C.M.A(CS).No.Nil of 2005, by the Principal District and Sessions Judge, Srivilliputhur.

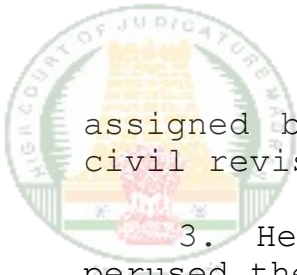
For Petitioner : Mr.V.O.S.Kalaiselvam

For respondent : Mr.K.Anbarasan,
Additional Government Pleader

ORDER

This revision petition has been filed by the petitioner challenging the order passed by the Court below, dated 27.06.2012, in I.A.No.703 of 2010 in I.A.No.nil of 2010 in I.A.No.22 of 2005 in C.M.A(CS).No.Nil of 2005, whereby and whereunder the interlocutory application filed by the petitioner seeking to condone the delay of 1221 days in filing a petition to restore I.A.No.22 of 2005 was dismissed.

2. It is seen from the record that challenging the surcharge order passed by the respondent herein u/s.87 of the Tamil Nadu Co-operative Societies Act, in S.C.No.9/2003-04, dated 28.09.2004, the petitioner has preferred C.M.A.(CS).No.nil of 2005. As there was a delay of 107 days in preferring the said appeal, the petitioner has filed I.A.No.22 of 2005 seeking to condone the same. But, the said application was dismissed for default due to the absence of the petitioner on 28.06.2007 and for filing a petition to restore I.A.No.22 of 2015, there was a delay of 1221 days and in order to condone the same, the petitioner has filed I.A.No.703 of 2010, which was dismissed by the Court below holding that no valid reason



assigned by the petitioner. Aggrieved by the same, the present civil revision petition has been filed by the petitioner.

3. Heard the learned counsel appearing for both sides and perused the materials available on record.

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4. The only reason assigned by the petitioner to condone the huge delay of 1221 days is that he was suffering from peptic ulcer disease from 25.06.2007 to 28.11.2010 and due to the same, he was taking continuous bed rest and thereby, he could not contact his counsel to give instructions to proceed the case. The reason stated by the petitioner for not giving instruction to his counsel to conduct the case is too flimsy and old-fashioned. The petitioner can very well instruct his counsel over phone by taking bed rest in his house. Even assuming that the petitioner was seriously taking bed rest due to the said disease by taking the advice of his doctor, he did not produce any document to substantiate the same. It would go to show in order to thwart the surcharge payment, he has purposefully delayed the matter and successfully dragged the matter about 13 years. It is nothing but clear abuse of process of law. Though this Court is inclined to impose heavy cost on the petitioner, considering the request of the learned counsel for the petitioner, this Court did not do so. The Court below has rightly dismissed the said application. There is no reason to interfere with the same.

5. In view of the above, this civil revision petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Principal District and Sessions Judge,
Srivilliputhur.

2.The Deputy Registrar of Co-operative
Societies, Pandalgudi Road,
Aruppukottai,
Virudhunagar District.

+1CC TO M/S.V.O.S.KALAISELVAM, Advocate, Sr No.50506
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.50182

Order made in
C.R.P. (MD) .No.2520 of 2017 (PD)
20.02.2018